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Part II Regulations under the Regulations Act

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Contents

| Act | Reg. No. | Page |
|--|----------|------|
| Building Code Act | | |
| Nova Scotia Building Code Regulations | 209/2003 | 756 |
| Children and Family Services Act | | |
| Children and Family Services Regulations – amendment | 208/2003 | 754 |
| Proclamation, s. 109(2), S.N.S. 1990, c. 5 - s. 54-60 | 207/2003 | 752 |
| Dairy Industry Act | | |
| Milk Producer Licensing Regulations | 204/2003 | 748 |
| Environment Act | | |
| Bennery Lake Watershed Protected Water Area Designation | 210/2003 | 801 |
| Bennery Lake Watershed Protected Water Area Regulations | 211/2003 | 803 |
| Hospitals Act | | |
| Hospitals Act Designations | 212/2003 | 807 |
| Hospitals Act Designations - District Health Authorities | 213/2003 | 808 |
| Natural Products Act | | |
| Nova Scotia Egg Producers' Egg Levy Order No. 32 | 214/2003 | 808 |
| Smoke-free Places Act | | |
| Smoke-free Places Regulations – amendment | 206/2003 | 751 |
| Summary Proceedings Act | | |
| Summary Offence Tickets Regulations – amendment | 205/2003 | 750 |

AVAILABLE SOON

The first issue of the 2004 subscription year of the Folio®-based Nova Scotia Regulations CD-ROM, containing the consolidated regulations of Nova Scotia and the quarterly sectional index of regulations, will soon be available from the Office of the Registrar of Regulations. For information or subscription please call (902)424-6723 or visit our website at <www.gov.ns.ca/just/regulations/cd>.

N.S. Reg. 204/2003

Made: September 9, 2003

Filed: December 4, 2003

Milk Producer Licensing Regulations

Order dated September 9, 2003

Regulations made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council pursuant to clauses 9(f)-(i), subsection 13(1), Section 14 and clause 15(1)(a) of the *Dairy Industry Act*

DAIRY FARMERS OF NOVA SCOTIA

The Dairy Farmers of Nova Scotia, pursuant to clauses 9(f),(g),(h) and (i), subsection 13(1), Section 14 and clause 15(1)(a) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, at a meeting held March 25, 2003, approved regulations respecting the licensing of milk producers in the form attached to this certificate as Schedule "A", effective on and after July 3, 2003.

This regulation is made in substitution for Sections 1, 2, 3, 4, 5, 52, 53, 54, 61, 63 and 64 of Schedule 2 of regulations made pursuant to the *Dairy Commission Act*.

DATED AND SIGNED at Truro, Nova Scotia, Aug. 22, 2003.

Sgd: *Brian Cameron*
Brian Cameron
General Manager
Dairy Farmers of Nova Scotia

APPROVED BY the Natural Products Marketing Council at Truro, Nova Scotia, September 9, 2003.

Sgd: *G. D. Burris*
George D. Burris
General Manager
Natural Products Marketing Council

Schedule "A"

**Regulations Respecting the Licensing of Milk Producers
made by the Dairy Farmers of Nova Scotia
pursuant to clauses 9(f),(g),(h) and (i), subsection 13(1), Section 14 and clause 15(1)(a)
of Chapter 24 of the Acts of 2000, the *Dairy Industry Act***

Citation

1 These regulations may be cited as the *Milk Producer Licensing Regulations*.

Application

2 These regulations apply only to producers of cow's milk.

Definition

3 In these regulations

- (a) "cow" means the mature female of domestic cattle, *genus Bos*;
- (b) "milk quality standards" means the standards referred to in Sections 56, 60 and 62 of Schedule 2- Milk Production Regulations.

Licensing requirement

4 (1) The Board is the licensing authority referred to in Section 7 of the Act for the issuance of a producer licence.

- (2) For a producer to obtain a producer licence, the operations of the producer's dairy farm must meet the requirements of Sections 6 to 51, Sections 55 to 60 and Section 62 of Schedule 2- Milk Production Regulations and must be, in the opinion of the Board, located in reasonable proximity to an existing milk pick-up route.
- (3) A producer must apply for a licence on an application form provided by the Board, which must include the following information:
- application date;
 - dairy farm name and producer name;
 - mail and civic addresses for each of the producer's dairy farm locations;
 - phone and fax numbers and e-mail address; and
 - processor and transporter recommendations.
- (4) Each of a producer's dairy farm locations must be identified in the producer's licence.

Milk quality penalties

5 Every producer is subject to milk quality standards.

- 6 (1) If test results show that a producer's milk has failed to meet the milk quality standards, more frequently than twice in any 5 consecutive pay periods, the Board must promptly notify the producer of the test results and the producer's milk value will be reduced from the current pay period values by the applicable rate as set out in the following table:

| No. of days milk production delivered in payment period | 1 st penalty in 18 pay periods (\$/hl) | 2 nd penalty in 18 pay periods (\$/hl) | 3 rd penalty in 18 pay periods (\$/hl) |
|---|---|---|---|
| 27 | \$1.80 | \$2.70 | \$3.60 |
| 28 | 1.74 | 2.60 | 3.48 |
| 29 | 1.68 | 2.52 | 3.36 |
| 30 | 1.62 | 2.43 | 3.24 |
| 31 | 1.57 | 2.35 | 3.14 |
| 32 | 1.52 | 2.28 | 3.04 |

- (2) Milk that is subject to a penalty prescribed in subsection (1) and that meets milk quality standards must be received and utilized by the purchaser or the consignee of the milk.

- 7 If test results show that a producer's milk has a freezing point indicating added water twice within any 5 consecutive pay periods, the Board must promptly notify the producer of the test results and the producer's milk value will be reduced from the current pay period values by the applicable rate as set out in the following table:

| No. of days milk production delivered in payment period | Penalty rate (\$/hl) |
|---|----------------------|
| 27 | \$3.60 |
| 28 | 3.47 |
| 29 | 3.35 |
| 30 | 3.26 |
| 31 | 3.15 |
| 32 | 3.04 |

- 8 (1) If test results show that a producer's milk contains unnatural inhibitors,

- (a) the producer will be assessed the value of the rejected tanker of milk; and
 - (b) the producer's next subsequent milkings must be tested.
- (2) If the results of the test under clause (1)(b) are positive, the producer's milk must not be offered for sale until the Board determines that the milk is free of unnatural inhibitors.
- 9 If a producer with 2 or more dairy farms fails to meet milk quality standards at any of the farms, a penalty under Sections 6 to 8 applies only to the milk from the farm where milk quality standards are not met.

Suspension or cancellation of licence

- 10 (1) If a producer's milk has been subject to a penalty pursuant to subsection 6(1) on 3 separate occasions during any consecutive 18-month period, the purchaser or consignee of the milk is not obligated to receive it, and the Board may suspend or cancel the producer's licence in whole or in part.
- (2) The Board may suspend or cancel a producer's licence in whole or in part for failure to comply with any production-related provision of an applicable Act or regulation, or for failure to comply with an order made or policy established by the Council or the Board.

N.S. Reg. 205/2003

Made: December 4, 2003

Filed: December 5, 2003

Summary Offence Tickets Regulations

Order in Council 2003-508 dated December 4, 2003
Amendment to regulations made by the Minister of Justice and the Governor in Council
pursuant to Section 8 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated November 7, 2003, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend the *Summary Offence Tickets Regulations* made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to reflect amendments to the *Motor Vehicle Act* respecting increased penalties for driving a motor vehicle without insurance, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 4, 2003.

Order

I, Michael G. Baker, Q.C., Minister of Justice and Attorney General of Nova Scotia, do hereby order and direct pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, that the penalty to be enforced on a summons in respect of any offence set out in the amendments to the Schedules to the *Summary Offence Ticket Regulations* as set forth in Schedule "A", shall be the amount of the out of court settlement set out opposite the description of that offence, and the out of court settlement amount shall include the charge provided for in, and in accordance with Section 8 of the Act.

This Order shall be effective on and after the making by the Governor in Council of the amendments to the *Summary Offence Ticket Regulations* set out in Schedule "A".

DATED AND MADE November 7, 2003 at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd: *Michael G. Baker*
Honourable Michael G. Baker, Q.C.
Minister of Justice and Attorney General

Schedule "A"

Amendments to the *Summary Offence Tickets Regulations* made by the Governor in Council pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*

Item 368 of Schedule 4 of the *Summary Offence Tickets Regulations* made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, is amended by striking out "\$962.50", "\$1825.00" and "\$3550.00", and substituting "\$1250.00", "\$2400.00" and "\$5850.00", respectively.

N.S. Reg. 206/2003

Made: December 4, 2003

Filed: December 5, 2003

Smoke-free Places Regulations

Order in Council 2003-510 dated December 4, 2003
Amendment to regulations made by the Governor in Council
pursuant to Section 15 of the *Smoke-Free Places Act*

The Governor in Council on the report and recommendation of the Minister of the Office of Health Promotion dated October 31, 2003, and pursuant to Section 15 of Chapter 12 of the Acts of 2002, the *Smoke-free Places Act*, is pleased to amend the *Smoke-free Places Regulations* made by the Governor in Council by Order in Council 2002-536 dated November 28, 2002, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after December 1, 2003.

Schedule "A"

Amendments to the *Smoke-free Places Regulations* made by the Governor in Council pursuant to Section 15 of Chapter 12 of the Acts of 2002, the *Smoke-free Places Act*

- 1 Section 2 of the *Smoke-free Places Regulations* made by the Governor in Council by Order in Council 2002-536 dated November 28, 2002, is amended by
 - (a) adding the following clause immediately after clause (1)(b):
 - (ba) "ashtray" means any receptacle for tobacco ashes or cigar or cigarette butts, whether originally designed for that purpose or not;
 - (b) adding "located and" immediately before "ventilated" in clause (1)(d);
 - (c) repealing clause (2)(b) and substituting the following clause:
 - (b) "lounge" means an establishment operating under a current lounge licence issued in respect of it pursuant to the *Liquor Control Act* and includes an enclosed place at a community college or university where alcoholic beverages are served in accordance with a licence issued pursuant to the *Liquor Control Act*;
 - (d) adding the following subsections immediately after subsection (4):
 - (5) For the purposes of clause 6(1)(d) of the Act, "private club" means an enclosed place or that part of an enclosed place out of which a society incorporated under the *Societies Act* operates for a social purpose according to the society's memorandum of association, if
 - (a) the society has a fixed membership list;

- (b) each member of the society pays mandatory annual or periodic membership dues; and
 - (c) a non-member of the society cannot enter the enclosed place for the purpose of consuming food or beverages unless accompanied by a member.
- (6) For the purposes of clause 6(1)(e) of the Act, “other place licensed to serve alcoholic beverages” does not include an enclosed place at a community college or university where alcoholic beverages are served in accordance with a licence issued pursuant to the *Liquor Control Act*.
- 2 The regulations are further amended by adding the following heading and Section immediately after Section 2:
- Location requirement for a designated smoking room**
- 2A (1)** A designated smoking room must be located so that a person is not required to enter into it to access an area where smoking is prohibited by the Act.
- (2) This Section does not apply to a designated smoking room constructed prior to December 1, 2003.
- 3 The regulations are further amended by striking out “variance” in the heading before Section 8 and substituting “variances” and adding the following Sections immediately after Section 8:
- 9 (1)** The establishment known as “Dutchie’s Restaurant and Lounge Limited” is granted a minor variance from clause 6(8)(a) of the Act pursuant to clause 15(1)(n) and subsection 15(3) of the Act.
- (2) For the purposes of subsection (1), in clause 6(8)(a) of the Act, “twenty-nine” is substituted for the word “twenty-five”.
- 10 (1)** The establishment known as “2215139 Nova Scotia Limited” and operating as “Stratos Restaurant Limited” is granted a minor variance from clause 6(8)(a) of the Act pursuant to clause 15(1)(n) and subsection 15(3) of the Act.
- (2) For the purposes of subsection (1), in clause 6(8)(a) of the Act, “twenty-seven and one-half” is substituted for the word “twenty-five”.
- 11 (1)** The Purdy Building, a “facility” pursuant to the *Hospitals Act* at the Nova Scotia Hospital, is granted a minor variance from subsection 6(1) of the Act pursuant to clause 15(1)(n) and subsection 15(3) of the Act.
- (2) For the purposes of subsection (1), in subsection 6(1) of the Act the phrase “separately ventilated” does not apply until April 1, 2005.

N.S. Reg. 207/2003

Made: December 4, 2003

Filed: December 5, 2003

Proclamation, s. 109(2), S.N.S. 1990, c. 5 - s. 54-60

Order in Council 2003-512 dated December 4, 2003
Proclamation made by the Governor in Council
pursuant to subsection 109(2) of the *Children and Family Services Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated November 14, 2003, and pursuant to subsection 109(2) of Chapter 5 of the Acts of 1990, the *Children and*

Family Services Act, and subsection 3(7) of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Sections 54 to 60, inclusive, of Chapter 5 of the Acts of 1990, the *Children and Family Services Act*, come into force on and not before December 8, 2003.

PROVINCE OF NOVA SCOTIA

Sgd: *Elizabeth A. Roscoe*

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 109 of Chapter 5 of the Acts of 1990, the *Children and Family Services Act*, it is enacted as follows:

- 109 (2)** Sections 54 to 60 and Section 73 come into force on and not before such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Sections 54 to 60, inclusive, of Chapter 5 of the Acts of 1990, the *Children and Family Services Act*, come into force on and not before December 8, 2003;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Sections 54 to 60, inclusive, of Chapter 5 of the Acts of 1990, the *Children and Family Services Act*, come into force on and not before December 8, 2003, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour
the Honourable Elizabeth A. Roscoe, Administrator
of the Government of the Province of Nova Scotia.

AT Our Law Courts in the Halifax Regional
Municipality, this 4th day of December, in the year
of Our Lord two thousand and three and in the
fifty-second year of Our Reign.

BY COMMAND:

Sgd: *Carolyn Bolivar-Getson*
Acting Provincial Secretary
Acting Minister of Justice and Attorney General

N.S. Reg. 208/2003

Made: December 4, 2003

Filed: December 5, 2003

Children and Family Services Regulations

Order in Council 2003-513 dated December 4, 2003
Amendment to regulations made by the Governor in Council
pursuant to Sections 55 and 99 of the *Children and Family Services Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated November 12, 2003, and pursuant to Sections 55 and 99 of Chapter 5 of the Acts of 1990, the *Children and Family Services Act*, is pleased to make amendments respecting secure treatment to the *Children and Family Services Regulations* made by the Governor in Council by Order in Council 91-954 dated August 15, 1991, in the form set forth in Schedule "A", attached to and forming part of the report and recommendation, effective on and after December 8, 2003.

Schedule "A"

**Amendments to the *Children and Family Services Regulations*
made pursuant to Section 99 of Chapter 5 of the Acts of 1990,
the *Children and Family Services Act***

1 The *Children and Family Services Regulations* made by the Governor in Council by Order in Council 91-954 dated August 15, 1991, are amended by adding the following clause immediately after clause 4(1)(h):

(ha) "hearing" includes the consideration by a judge of a consent order filed with the court;

2 Section 34 of the regulations is repealed.

3 The regulations are further amended by adding the following Sections immediately after Section 35:

Admission to a secure treatment facility

35A For the purposes of Sections 54 to 66 of the Act and these regulations,

- (a) "facility manager" means a manager of a secure treatment facility;
- (b) "person in charge" means a facility manager or their designate;
- (c) "treatment" includes treatment interventions provided in a secure treatment facility.

35B (1) A secure-treatment certificate shall be in Form XVI.

(2) Service of a secure-treatment certificate shall be,

- (a) for the child who is the subject of the certificate, by personal service; and
 - (b) for the nearest legal aid office, by
 - (i) personal service,
 - (ii) registered mail, or
 - (ii) facsimile transmission.
- [Note: numbering as in original.]

35C (1) No child shall be placed in a secure treatment facility and no court, judge, justice, youth justice court judge or tribunal shall order, renew or review placement of a child in a secure treatment facility unless the placement, renewal or review is approved, applied for or consented to by the Minister.

- (2) The consent of the Minister to an application by an agency for a secure-treatment order or renewal or review of a secure-treatment order shall be in the form of a letter signed by the Director of Child Welfare.

35D (1) In order for a person in charge to grant a leave of absence for a child from a secure treatment facility pursuant to subsection 60(1) of the Act, the child must request approval from the person in charge, and include the medical, humanitarian or rehabilitative reason for the requested leave of absence and the duration of the requested leave of absence.

- (2) A person in charge shall document each request for a leave of absence, including
- (a) the date of the request;
 - (b) the reason for the requested leave of absence;
 - (c) whether the leave of absence is granted and any terms and conditions of the leave;
 - (d) the duration of the granted leave of absence;
 - (e) the name of the person who has charge of the child during the leave of absence, and any additional relevant details.

4 The regulations are further amended by adding the Form XVI - Secure-Treatment Certificate, in the form attached, immediately after Form XV.

Form XVI
Secure-Treatment Certificate

Regarding _____, **born** _____
(name of child) *(dd/mm/yyyy)*

This certificate is issued on behalf on the Minister under Section 55 of the *Children and Family Services Act*.

This certificate is authority for a peace officer or agent to apprehend and convey or return the child to a secure treatment facility (Section 59 of the Act).

This certificate authorizes any person to confine the child in a secure treatment facility from _____ to _____. *(Not to exceed 5 days - Section 55 of the Act)*
(date) *(date)*

The secure treatment facility the child will be placed in is

- Wood Street Center, 225 Wood Street, Truro, Nova Scotia
- _____ *(insert other)*

The reason for this certificate is that I have reasonable and probable grounds to believe that the child is suffering from an emotional or behavioral disorder, it is necessary to confine the child in order to remedy or alleviate the disorder, and the child refuses or is unable to consent to treatment.

DATED at _____, Nova Scotia, _____, 20____.

Signed on behalf of the Minister of Community Services by:

(signature)

(name)

(job title)

Notice**Hearing**

A hearing must take place no later than **5 days** from the date of this certificate. The hearing will take place at:

Family Court
540 Prince Street
Truro, Nova Scotia,

and will be heard on: _____ (date) at _____ (time), or as soon after that time as it may be heard.

The Minister or the agency will be at the hearing to satisfy the court that the conditions of Section 55 of the *Children and Family Services Act* have been met. The court will also decide whether to issue a secure-treatment order, if one has been applied for under Section 56 of the Act. (You should be served with a copy of any such application.)

Right to representation

You have the right to be represented by counsel at the hearing. You must arrange for representation yourself. A lawyer is available through the office of Nova Scotia Legal Aid, located at:

Suite 102, 523 Prince Street
Truro, NS B2N 1E8
Phone: (902) 893-5920

N.S. Reg. 209/2003

Made: December 4, 2003

Filed: December 5, 2003

Building Code Regulations

Order dated December 4, 2003

Regulations made by the Minister of Environment and Labour
pursuant to Section 4 of the *Building Code Act*

Nova Scotia Building Code Regulations

Made under Section 4 of the *Building Code Act*, R.S.N.S. 1989, c. 46

2004

Nova Scotia Environment and Labour

Part 1**Repeals, Interpretation, Scope, Definitions and Administration****Section 1.1. Repeals, Adoption and Interpretation****1.1.1. Title, Repeals, and Effective Date**

1.1.1.1. Title. These *regulations* may be cited as the *Nova Scotia Building Code Regulations*.

1.1.1.2. Repeals and Effective Date of Regulations.

The *Nova Scotia Building Code Regulations* made by the former Minister of Housing and Municipal Affairs on April 8, 1997 (N.S. Reg. 38/97) and came into force on, from and after April 30, 1997 and amendments to these *regulations* including those contained in the First and Second Revisions and Errata published July 1998 and November 1999 which came into force on, from and after January 19, 2001, (N.S. Reg. 205/2000) are hereby

repealed on, from and after January 1, 2004.

These Nova Scotia *Building Code Regulations* made by the Minister of Environment and Labour shall come into force on, from and after January 1, 2004.

1.1.2. Adoption

1.1.2.1. Nova Scotia *Building Code*.

These *regulations* adopt the National *Building Code* of Canada, 1995 including the First Revisions and Errata published July 1998, Second Revisions and Errata published November 1999, Third Revisions and Errata published June 2001, and Fourth Revisions and Errata published February 2002, revisions and errata to these *regulations*, and amendments to the National Building Code of Canada 1995 shall come into force on, from and after January 1, 2004. Together the *regulations* shall be known as the “Nova Scotia *Building Code*” and may be referred to as the “*Code*”.

1.1.3. Interpretation

1.1.3.1. Numbering System

(1) These *regulations* have been prepared following the same decimal numbering system as used in the *Code*.

(2) The first number indicates the Part of the *regulations*; the second, the Section in the Part; the third, the Subsection and the fourth, the Article in the Subsection. An Article may be further broken down into Sentences (indicated by numbers in brackets), and the Sentence further divided into Clauses and Subclauses. They are illustrated as follows:

| | |
|-------------------|------------|
| 3 | Part |
| 3.5 | Section |
| 3.5.2. | Subsection |
| 3.5.2.1. | Article |
| 3.5.2.1.(2) | Sentence |
| 3.5.2.1.(2)(a) | Clause |
| 3.5.2.1.(2)(a)(i) | Subclause |

1.1.3.2. **Schedules.** The Schedules “A” through “A-9” inclusive, “B”, “C” and “D” form part of these *regulations*.

Section 1.2 Scope and Application

1.2.1. Application

1.2.1.1. Scope

(1) These *regulations* apply to the administration and enforcement of the *Building Code Act* in the design, construction, erection, placement and *occupancy* of new *buildings*, and the *alteration*, reconstruction, *demolition*, removal, relocation, *occupancy* and change of *occupancy* classification of existing *buildings* and to the work necessary to correct *unsafe conditions* in existing *buildings* reported to the *authority having jurisdiction* or observed during an inspection.

(2) Any construction or condition that lawfully existed prior to the effective date of these regulations need not conform to these regulations provided that such construction or condition does not constitute an unsafe condition in the opinion of the authority having jurisdiction.

(3) Construction pursuant to a building permit in effect prior to April 30, 1997, and still in effect, need not conform to these regulations provided that such construction conforms to the regulations in force on the date that the building permit was issued.

(4) Where a *building* or any part thereof is altered, these *regulations* apply to the parts of the *building*

that are altered.

(5) Where the whole or any part of a *building* is relocated either within or into the area of jurisdiction of the *authority having jurisdiction* these *regulations* apply only to the parts of the *building* that are being altered or *constructed*.

(6) When the whole or any part of a *building* is demolished, these *regulations* apply to the work involved in the *demolition* and to the work required to any parts remaining after *demolition* to the extent that deficiencies occurring or remaining after *demolition* require correction.

(7) When a *building* is damaged by fire, earthquake or other cause, these *regulations* apply to the work necessary to reconstruct damaged portions of the *building*.

(8) “Alternate Compliance Methods for Existing *Buildings*, contained in Schedule “D” of these *regulations*, or a combination of the “Alternate Compliance Methods for Existing *Buildings*”, and the *Code*, may be used where a *building* existed prior to March 13, 1987:

- (a) where an existing *building* is undergoing *construction* other than for a change of use, or
- (b) where an existing *building* is undergoing *construction*, and where a change of *occupancy* classification results in an *occupancy* with a reduced fire hazard risk.

(9) When a *heritage building* or part thereof is undergoing a change in *occupancy* classification the *owner* may choose the “Alternate Compliance Methods for Existing *Buildings*”, contained in Schedule “D” of these *regulations*, or a combination of the “Alternate Compliance Methods for Existing *Buildings*”, and the *Code*.

(10) In a *Heritage Conservation District* [when] any *building* [is] undergoing a change in *occupancy* classification the *owner* may choose the “Alternate Compliance Methods for Existing *Buildings*”, contained in Schedule “D” of these *regulations*, or a combination [of] the “Alternate Compliance Methods for Existing *Buildings*”, and the *Code*.

1.2.1.2. Exemptions

(1) The *Code* does not apply to:

- (a) sewerage, water, electrical, telephone, rail or similar systems located above, below or on an area which has been dedicated or deeded for public use,
- (b) public utility towers and poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to *buildings*,
- (c) flood control, dams for public water supply, hydroelectric dams and their related structures (not excluding *buildings*),
- (d) mechanical or other equipment and *appliances* not specifically regulated by the *Code*,
- (e) above ground or below ground bulk storage tanks not regulated under Part 6 of the *Code*, or free-standing signs,
- (f) fences,
- (g) retaining walls or exterior steps not attached to, and forming part of, a *building's* construction, and
- (h) modular homes and mobile homes built to CAN/CSA -A277-90, “Procedure for Certification of Factory Built Homes”, or CSA Z240 MH Series-92 Standard “Mobile Homes”, except for the inspections required by Subclause 2.1.1.11.(b).

(2) Unless a municipality otherwise requires by by-law, or where *regulations* are in another enactment, the *Code* applies but a *building permit* is not required for

- (a) accessory *buildings* not greater than 20 square metres (215.2 square feet) in area,
- (b) interior and exterior non-structural material *alterations* and material repairs with a monetary value of five thousand dollars or less.

Section 1.3 Definitions of Words and Phrases

1.3.1. Definitions

1.3.1.1. **General.** Definitions contained in Section 2 of the *Building Code Act*, also apply in these

regulations.

1.3.1.2. Italicized Words. The words and phrases defined in Article 1.1.3.2. of the *Code* identified in these *regulations* in italics, also apply in these *regulations* unless otherwise defined.

1.3.1.3. Specific Definitions. In these *regulations* the following definitions apply:

“Areas of Refuge” for purposes of Section 3.7 of the *Code* means a space that facilitates a safe delay in egress, is sufficiently protected from fire conditions developing in the *floor area*, and served by an *exit* or elevator.

“Architect” means a member licensed to practice or licensee of the Nova Scotia Association of Architects.

“Building Code Act” or “Act” means Chapter 46 of the Revised Statutes of Nova Scotia, 1989, the *Building Code Act*.

“Care facility” means the *occupancy* or use of a *building* or part thereof by persons who require special care or treatment because of cognitive or physical limitations.

“Code” means the Nova Scotia *Building Code*.

“Construct” means to do anything in the erection, installation, extension, relocation, material *alteration* or material repair of a *building* and includes the installation of a factory-made *building* fabricated or moved from elsewhere.

“Demolition” means the doing of anything in the removal of a *building* or any material part thereof.

“Designated *building*” means any *building* or part thereof whose construction was commenced on or after the first day of January, 1976, which is the date the Automatic Sprinkler Systems Regulations-Province of Nova Scotia made pursuant to the Fire Prevention Act by Orders in Council 75-986, 81-350, and 86-686.

“Field Review of Construction” means, and is limited to, the inspection of the construction work at intervals appropriate to the stage of construction, at the project site and where applicable at the fabrication location where *building* components are fabricated for use at the project site, that the *designer* in their professional discretion consider[s] necessary to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto. “*Field Review of Construction*” does not include the coordination, quality and performance of construction.

“Heritage *Building*” means a registered heritage property, registered under the Heritage Property Act by the Province or by a municipality.

“Heritage Conservation District” means a heritage conservation district designated by the municipality in accordance with the Heritage Property Act.

“Mobile home” means a transportable, single or multiple section *dwelling unit* certified by [the] Canadian Standards Association prior to placement on the site as complying with the CAN/CSA-Z240 Series “Mobile Homes” at the time of manufacture.

“Modular home” means a finished section or sections of a complete *dwelling unit* built in a factory for transport to the site for installation certified by [the] Canadian Standards Association prior to placement on the site as complying with the CSA Standard A277-M-1990 “Procedures for Certification of Factory Built Houses”.

“National *Building Code* of Canada, 1995” means the National *Building Code* of Canada, 1995 as issued by the Canadian Commission on Building and Fire *Codes*, National Research Council of Canada, NRCC No. 38726, including all revisions and errata and corrections to errata made by that

body on or before the date these *regulations* come into force.

“Owner” includes a person controlling the property under consideration, and also prima facie the assessed *owner* of the property whose name appears on the assessment role prepared in accordance with the Assessment Act.

“Professional Engineer” means a member or licensee of the Association of Professional Engineers of Nova Scotia.

“Work” means any construction duty or function regulated by these *regulations*, carried out on or about a construction site or on, in, or about a *building* or part thereof.

Section 1.4 Administration

1.4.1. *Permits*

1.4.1.1. **General**

- (1) A *permit* is required if work regulated by the *Code* is to be done.
- (2) The *authority having jurisdiction* may place a value on the cost of the work based on an accepted costing standard for the purpose of determining *permit* fees to be applicable.
- (3) The *authority having jurisdiction* may, if applicable, withhold an [a] *building permit* until satisfied that there is a valid on-site sewage disposal system *permit* issued by the Department of the Environment [and Labour] for the construction of a *building* requiring a new *private sewage disposal system*.
- (4) The *authority having jurisdiction* may, if applicable, withhold an *occupancy permit*
 - (a) until satisfied that there is a valid electrical *permit* issued by the electrical *authority having jurisdiction* and
 - (b) until satisfied that the civic address is posted where a municipality has so provided by by-law, in accordance with Section 313 of the Municipal Government Act, Chapter 18 of the Acts of 1998.
- (5) Where a municipality has so provided by by-law, the *authority having jurisdiction* may withhold the issuance of a *building permit* until satisfied that any and all applicable *regulations* of the Heritage Property Act, Planning Act, Land Use Bylaw, Subdivision Bylaw, lot grading plan, or Development Agreement have been complied with, and that any and all required *permits* have been issued by the development officer.
- (6) Unless a municipality in accordance with Section 7 of the *Building Code Act* has provided other or additional *regulations* by by-law, an *occupancy permit* is required:
 - (a) to allow the initial *occupancy* of a *building* or part thereof,
 - (b) when the *occupancy* classification of a *building* or part thereof is changed, or
 - (c) to allow partial *demolition* or *alteration* of a *building*.

1.4.1.2. Application. To obtain a *permit* the *owner* shall file an application as prescribed by the *authority having jurisdiction*.

1.4.1.3. **Required Information**

- (1) Every *building permit* application as a minimum shall:
 - (a) identify and describe in detail the work and *occupancy* to be covered by the *permit* for which application is made,
 - (b) describe the land by including where Nova Scotia property mapping exists in the unique Parcel Identifier (PID) or where this mapping does not exist the assessment account number, and a description that will readily identify and locate the *building* lot,
 - (c) include plans and specifications as required by Section 2.3 of the *Code*,
 - (d) state the valuation of the proposed work and be accompanied by the required fee,
 - (e) state the names, addresses and telephone numbers of the *owner*, *architect*, *professional engineer*, or other *designer*, *constructor* and any inspection or testing agency that has been engaged to monitor the work or part of the work, and

- (f) describe any special *building* systems, materials and *appliances*,
- (g) such additional information as may be required by the *authority having jurisdiction*.

1.4.1.4. Letter of Undertaking when Professional Required to Design. The *owner* shall, along with the application referred to in Article 1.4.1.2., submit a letter of undertaking to the *authority having jurisdiction* for the *Field Review of Construction* when the *building*, or part thereof, has been designed within the Scope of Part 4 of the *Code* except as provided under 2.1.1.6. for Part 9 *buildings*.

1.4.1.5. Dimensional Tolerances. If, in the opinion of the *authority having jurisdiction*, safety to life will not be reduced and *barrier-free* design and access will not be adversely affected, an *authority having jurisdiction* may accept a minor variation, not more than 2%, in a dimension given in this *Code*.

1.4.1.6. Deviations. The *owner* shall not deviate, nor authorize a deviation, from the *Code*, or the conditions of a *permit*, without first obtaining permission in writing to do so from the *authority having jurisdiction*.

1.4.1.7. Land Survey. In addition to Clause 1.4.1.3.(1)(c) the *owner*, if requested by the *authority having jurisdiction* shall submit an up-to-date plan of survey or real property report, prepared by a registered Nova Scotia Land Surveyor, containing sufficient information regarding the site and the location of the *building*:

- (1) to establish before construction begins that the *regulations* of the *Code* related to the site and the location of the *building* will be complied with, and
- (2) to verify that, upon completion of the work, all such *regulations* have been complied with.

1.4.1.8. Responsibility for carrying out work. The acceptance of drawings and specifications, the granting of a *permit*, and inspections made by the *authority having jurisdiction* shall not in any way relieve the *owner*, *owner's* agent, the *constructor*, the *architect*, the *professional engineer* or the *designer*, of a *building* from their respective responsibility for carrying out the work or having it carried out in accordance with these *regulations*, including ensuring that the *occupancy* of the *building*, or any part thereof, is in accordance with the terms of the *permit*.

1.4.1.9. Inspection Exemption Modular and Mobile Homes.

Modular homes and mobile homes are subject to the inspection required by clauses 2.1.1.11.(1)(b) of these *regulations* and are exempt for the work certified at factory in accordance with CAN/CSA-Z240 MH Series-92 "Mobile Homes" or the CSA Standard A277-M-1990 "Procedures for Certification of Factory Built Houses".

1.4.1.10. Site Grading. The *authority having jurisdiction* may require an *owner* to have a *building* site graded in conformance with any storm drainage plan, prepared or accepted by the *authority having jurisdiction*, for the area in which the *building* is located.

1.4.1.11. Permission to Proceed in Part

(1) The *authority having jurisdiction* may allow, at the risk of the *owner*, with conditions if necessary, to ensure conformance with this *Code*, the *owner* to proceed with *excavation* or construction of part of a *building* before the plans of the entire *building* have been submitted.

(2) If the *authority having jurisdiction* allows *excavation* or construction of part of a *building* under Sentence (1), the *owner* shall submit all such plans and specifications as may be required in connection therewith by the *authority having jurisdiction*, including at a minimum, complete plans and specifications for the work which is authorized under sentence (1).

(3) If an *owner* proceeds to excavate or *construct* part of a *building* under Sentences (1) and (2), the *owner* proceeds without assurance that the *excavation* or construction of other parts of the *building* will be allowed.

1.4.1.12. Temporary Building

- (1) Notwithstanding anything contained elsewhere in these *regulations*, a permit for a temporary *building* or part thereof may be issued by the *authority having jurisdiction*, authorizing for a limited time only the erection and existence of a *building*, or part thereof, for an *occupancy* which, because of its nature, will exist for a short time, under circumstances which warrant only selective compliance with the *Code*.

- (2) A *permit* for a temporary *building* shall state the date after which and the conditions under which the *permit* is no longer valid.
- (3) A *permit* for a temporary *building* may be extended provided permission in writing is granted by the *authority having jurisdiction*.
- (4) A *permit* for a temporary *building* shall be posted on the *building*.
- (5) A *permit* issued for a tent or temporary *air-supported structure*, shall be renewed every twelve months.

Part 2 Responsibilities and Obligations

Section 2.1 Obligations of *Owner*

2.1.1. General

2.1.1.1. Required *Permits*. Every *owner* shall obtain all required *permits* or approvals prior to commencing the work to which they relate.

2.1.1.2. Start Up Date. Every *owner* shall give written notice to the *authority having jurisdiction* of the date on which the *owner* intends to begin work prior to commencing work on the *building* site.

2.1.1.3. Notice of Employees.

(1) Every *owner* shall, prior to commencing the work, give notice in writing to the *authority having jurisdiction* of:

- (a) the name, address and telephone number of
 - i) the *constructor* or other person in charge of the work,
 - ii) the *designer* of the work,
 - iii) the *architect(s)*, *professional engineer(s)* and prime consultant(s) performing the *Field Review of Construction(s)*, and
 - iv) any inspection or testing agency engaged to monitor the work or part of the work, and
- (b) any change in or termination of employment of such persons during the course of the construction in writing, as soon as practical but not later than 72 hours of such change, or termination occurs.

(2) Every *owner* shall give notice in writing to the *authority having jurisdiction*:

- (a) as soon as any change in ownership or change in the address of the *owner* occurs prior to the issuance of an *occupancy permit*, and
- (b) prior to occupying any portion of the *building* if it is to be occupied in stages.

2.1.1.4. Plans at Site. Every *owner* shall ensure that the plans, specifications and related documents on which the issuance of the *building permit* was based are available at the site of the work for inspection during working hours by the *authority having jurisdiction*, and that the *permit*, or true copy thereof, is posted conspicuously on the site during the entire execution of the work.

2.1.1.5. Professional Design and Review. The *owner* who undertakes to *construct* or have *constructed* a *building* or part thereof within the scope of Part 4 of the *Code* shall:

- (1) ensure that an *architect*, *professional engineer* or both are appointed to undertake the design of the *building* or part thereof, and
- (2) complete and submit a letter of undertaking in the form specified in Schedule "A" for the *Field Review of Construction* of such *buildings*.

2.1.1.6. Design Regulations for Structural Components. Where the dimensions of a structural component are not provided in Part 9 of the *Code* for use in a *building* within the scope of that part, and such dimensions are to be determined on the basis of calculation, testing or other means of evaluation, the *owner* shall:

- (1) ensure that a *professional engineer* is appointed to undertake the design of the structural component,

and

(2) when required by the *authority having jurisdiction*, complete and submit a letter of undertaking in the form specified in Schedule “A” for the *Field Review of Construction* for this structural component.

2.1.1.7. Site Conditions, Size, or Complexity Requiring Professional Design and Inspection. Where the site conditions, the size or complexity of a *building*, part of a *building* or *building* component warrant, the *authority having jurisdiction* may require the *owner* to comply with Article 2.1.1.5. or Article 2.1.1.6.

2.1.1.8. Design Regulations for Sprinklered Building.

(1) Where a *building* is required or intended to be *sprinklered*, the *owner* shall:

- (a) ensure that a *professional engineer* is appointed to undertake the design of the sprinkler system, and
- (b) complete and submit a Letter of Undertaking in the form specified in Schedule “A” of the *Field Review of Construction*.

(2) where the *alteration* of an existing *building* requires changes to an existing sprinkler system, the *authority having jurisdiction* may waive compliance with 2.1.1.8.(1), (a) and (b). Where 2.1.1.8.(1), (a) and (b) are waived, the design documents and test results conducted on the system as per provincial maintenance regulations must be filed with the *authority having jurisdiction* and the Office of the Fire Marshal.

2.1.1.9. Alteration to Property Boundary or Ground Elevation. No *owner* or person hired by the *owner* shall allow the ground elevations or the property boundaries of a *building* lot to be changed so as to place a *building* or part thereof, in contravention of these *regulations*, unless the *building* or part thereof, is so altered, after obtaining the necessary *permit*, that no contravention will occur as a result of the change of the property boundary or grades.

2.1.1.10. Right of Entry. Every *owner* shall allow the *authority having jurisdiction* to enter any *building* or premises at any reasonable time for the purpose of administering and enforcing these *regulations* in accordance with the provisions of Sections 10 (1), 10(2), and 10(3) of the *Building Code Act*.

2.1.1.11. Notification for Inspection and Certification of Field Review of Construction

(1) The *owner* of a *building* being *constructed* under the scope of Part 9 of the *Code* shall notify the *authority having jurisdiction* to inspect for compliance with the *Code* at the following stages of construction:

- (a)
 - (i) footings in place,
 - (ii) the site before commencing backfilling of the laterally supported foundation, before a superstructure is placed on the foundation,
 - (iii) the framing, roof, and plumbing and mechanical,
 - (iv) insulation and vapour barrier before wall framing is covered,
 - (v) before *occupancy*,
- (b) for *mobile* and *modular homes* conforming to 1.4.1.9.
 - (i) footings in place
 - (ii)
 - (a) in the case of a mobile home, the site preparation, foundation installation and anchorage in accordance with CSA CAN3-Z240.10.1-94 “Recommended Practice for Site Preparation, Foundation, and Anchorage of Mobile Homes”,
 - (b) in the case of a modular home site preparation and foundation,
 - (iii) installation and anchorage
 - (iv) before *occupancy*.

(2) The *owner* of a *building* being *constructed* outside the scope of Part 9 of the *Code* shall notify the *authority having jurisdiction* to inspect for compliance with the *Code*:

- (a) of the intent to undertake construction that will be inspected and will be reviewed as per the appropriate Letter of Undertaking required by Article 2.1.1.5., 2.1.1.6., or 2.1.1.7.,
- (b) of intent to cover construction that has been ordered to be inspected by the *authority having jurisdiction* before covering and,
- (c) at intervals deemed necessary by the *authority having jurisdiction* based on the complexity of the *building* and,
- (d) when construction has been completed so that a final inspection can be made.

2.1.1.12. Occupancy Prior to Completion. Should the *owner* require *occupancy* to occur prior to the completion of all work the *owner* shall apply for the *occupancy permit* and shall ensure that no *unsafe condition* exists or will exist because of the work being undertaken or not completed.

2.1.1.13. Test or Inspections to Prove Compliance. Every *owner* shall make, or have made at their own expense, the tests or inspections necessary to prove compliance with these *regulations* and shall promptly file a copy of all such test or inspection reports with the *authority having jurisdiction*.

2.1.1.14. Repairs to Public Property. Every *owner* is responsible for the cost of repair of any damage to public property or works located therein that may occur as a result of undertaking work for which a *permit* was or was not required.

2.1.1.15. Discontinuation of Work. Every *owner* who is unable to continue work owing to bankruptcy or other cause, is responsible, before leaving the site of the work, for ensuring that no *unsafe condition* remains at the site.

Section 2.2 Obligations of Professional

2.2.1. General

2.2.1.1. Design. The *architect* or *professional engineer* who undertakes to design a *building* or part thereof shall do so in accordance with their respective statutes and bylaws to ensure that the design meets the intent of the *Code*.

2.2.1.2. Field Review of Construction. The *architect* and *professional engineer* who undertakes the *Field Review of Construction* shall do so in accordance with their respective statutes and bylaws, and shall

- (1) inspect the *building* at intervals appropriate to the stage of construction to determine general compliance with design referred to in Article 2.2.1.1.,
- (2) coordinate with the *authority having jurisdiction* the review of changes to the design documents for consistency with the intent of the plans and specifications,
- (3) file with the *authority having jurisdiction* the *Certification of Field Review of Construction*.

Section 2.3 Obligations of Constructor

2.3.1. General

2.3.1.1. Construction Safety Regulations. Every *constructor* shall ensure that all construction safety requirements of the Department of [Environment and] Labour, Occupational Health and Safety Division, are complied with.

2.3.1.2. Work on Public Property. Every *constructor* is responsible for ensuring that no *excavation* or other work is undertaken on public property, and that no *building* is erected or materials stored in whole or in part therein without approval having first been obtained in writing from the appropriate government authority.

2.3.1.3. Responsibilities for the Work Undertaken.

- (1) Every *constructor* is responsible jointly and severally with the *owner* for all and\or any work actually undertaken.
- (2) Every *constructor* who is unable to continue work owing to bankruptcy or other cause, is responsible, before leaving the site of the work, for ensuring that no *unsafe condition* remains at the site.

2.3.1.4. Owner Deemed to be Constructor. Where the work for which a *permit* is issued is not under the control of a *constructor*, the *owner* shall be deemed to be the *constructor* and shall accept the responsibilities and obligations of a *constructor*.

2.3.1.5. Materials, Systems, to Comply with Code. Every *constructor* shall ensure that all materials, systems, equipment, used in the construction, *alteration*, reconstruction or renovation of a *building* meet the *regulations* of the *Code* for the work undertaken.

Section 2.4 Obligation of *Authority having Jurisdiction*

2.4.1. General

2.4.1.1. Administration and Enforcement. The *authority having jurisdiction* shall administer and enforce these *regulations*.

2.4.1.2. Copies of Applications, Inspections, and Tests. The *authority having jurisdiction* shall keep copies of all applications received, *permits* and orders issued, inspections and tests made and of all papers and documents connected with the administration of these *regulations* for such time as is required by law.

2.4.1.3. Notices and Orders. The *authority having jurisdiction* shall issue, in writing, such notices or orders as may be necessary to inform the *owner* where a contravention of these *regulations* has been observed. Such notices or orders may specify any remedial or other measures that are required to meet the *regulations* in accordance with the provisions of Section 12 of the Act. Where the *authority having jurisdiction* issues such written notice or order, a copy shall be retained by the *authority having jurisdiction* and a copy shall be sent to:

- (1) the *owner*, by regular mail, at the address given on the *permit* application;
- (2) the *designer, architect or professional engineer* by regular mail, at the address given on the *permit* application;
- (3) the *constructor*, by regular mail, or if the *constructor* is present during the inspection, may be given to the *constructor*.

2.4.1.4. Responding to Code Inquiries. The *authority having jurisdiction* shall answer such relevant questions as may be reasonable with respect to the provisions of these *regulations* when requested to do so, but shall refrain from assisting in the laying out of any work and from acting in the capacity of a *designer*.

2.4.1.5. Authority having Jurisdiction to Issue Permits. The *authority having jurisdiction* shall issue a *building permit* or an *occupancy permit* to the *owner* when, to the best of *authority having jurisdiction's* knowledge, the applicable conditions, as set forth in these *regulations*, have been met.

2.4.1.6. Safety Regulations. The *authority having jurisdiction* shall, when inspecting *building* sites and structures, comply with the safety *regulations* made pursuant to the Occupational Health and Safety Act, Department of [Environment and] Labour, Province of Nova Scotia [*sic*].

Section 2.5 Powers of *Authority having Jurisdiction*

2.5.1. General

2.5.1.1. Right to Enter Property. The *authority having jurisdiction* may enter and inspect any *building* or premises at any reasonable time for the purpose of administering or enforcing these *regulations* in accordance with the provisions of Sections 10(1), 10(2), and 10(3) of the *Building Code Act*.

2.5.1.2. Orders.

- (1) The *authority having jurisdiction* is empowered to order:
 - (a) a person who contravenes these *regulations* to comply with them within the time period that may be specified,
 - (b) work to stop on the *building* or any part thereof if such work is proceeding in contravention of these *regulations*, or if there is deemed to be an *unsafe condition*,
 - (c) the removal of any unauthorized encroachment on public property,
 - (d) the removal of any *building* or part thereof constructed in contravention of these *regulations*,
 - (e) the cessation of any *occupancy* in contravention of these *regulations*,
 - (f) the cessation of any *occupancy* if any *unsafe condition* exists because of work being undertaken or not completed,
 - (g) correction of any *unsafe condition*, and
 - (h) the *owner* to uncover and replace at their own expense:
 - i) work that has been ordered to be done pursuant to an order issued by the *authority having jurisdiction* and which has been covered without being inspected, and
 - ii) work for which notification to inspect is required to be given pursuant to Article 2.1.1.11., and

where uncovering the work is necessary to determine compliance with the *Code*.

2.5.1.3. Tests Required to Prove Compliance. The *authority having jurisdiction* may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the *owner*, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation condition meets these *regulations*.

2.5.1.4. Reports Regarding Failure or Potential Failure. The *authority having jurisdiction* may require the *owner* or the *owner's* representative, where any failure occurs which causes or has the potential to cause injury or loss of life, to submit a report stating the nature and details of the failure and the name and addresses of the *constructor*.

2.5.1.5. Conditional Building or Occupancy Permit.

- (1) The *authority having jurisdiction* may issue a *building* or *occupancy permit* conditional upon:
- (a) the submission of additional information not available at the time where such information is of such a nature that withholding of the *permit* until the information becomes available would be unreasonable,
 - (b) completion of such work that is incomplete at the time of inspection, or application is of such a nature that no *unsafe condition* exists and that withholding of the *permit* would be unreasonable [*sic*].

2.5.1.6. Refuse to Issue Permit.

- (1) The *authority having jurisdiction* may refuse to issue any *permit*:
- (a) whenever information submitted is inadequate to determine compliance with the provisions of these *regulations*,
 - (b) whenever incorrect information is found to have been submitted,
 - (c) that would authorize any *building* work or *occupancy* that would not be permitted by these *regulations*, or
 - (d) that would be prohibited by any other Act, regulation or bylaw.

2.5.1.7. Revoke a Permit.

- (1) The *authority having jurisdiction* may revoke a *permit* by written notice to the permit holder if:
- (a) there is contravention of any condition under which the *permit* was issued,
 - (b) the *permit* was issued in error, or
 - (c) the *permit* was issued on the basis of incorrect information.

2.5.1.8. Occupancy Prior to Completion. The *authority having jurisdiction* may issue an *occupancy permit*, subject to compliance with provisions to safeguard persons in or about the premises, to allow the *occupancy* of a *building* or part thereof for the accepted use, prior to commencement or completion of the construction or *demolition* work.

2.5.1.9. Provide Reasons for Refusal. The *authority having jurisdiction* shall provide the reasons for refusal to grant a *permit*, when requested to do so.

Part 3

Amendments to the Nova Scotia *Building Code*

Section 3.1 Amendments Made to Parts 1 through 9 inclusive of the *Code*.

3.1.1. Amendments

3.1.1.1. Definition of Owner. The definition of “*owner*” in Article 1.1.3.2. of the *Code* is deleted and replaced herein with the definition of “*owner*” in Article 1.3.1.3. of these *regulations*.

3.1.1.2. Sentence 2.1.1.1.1) Amended. Sentence 2.1.1.1.1) of the *Code* is amended by deleting “Subsection” in the first line and substituting “Subsections 2.1.4. and,”.

3.1.1.3. Sentences 2.1.2.1.1) and 2.1.3.1.1) Amended. Sentences 2.1.2.1.1) and 2.1.3.1.1) of the *Code* are

amended by deleting “Subsection” in the first line of each of the Sentences and substituting in each case “Subsections 2.1.4. and,”

3.1.1.4. Article 2.1.4.1. Amended. Article 2.1.4.1. of the *Code* is deleted and the following substituted:

2.1.4.1. Scope

(1) Except as provided in Sentences (2) and (3), the *Code* applies to both site assembled and factory built *buildings*.

(2) Mobile homes are exempt from this *Code* provided they meet the requirements of CAN/CSA-Z240 MH Series and have not been structurally altered. This exemption does not extend to on-site preparations (foundations, *basements*, anchorage), interconnection of modules, connection to services or installation of *appliances* which shall meet the requirements of CAN/CSA-Z240 MH Series.

(3) Modular homes are exempt from this *Code* provided they meet the requirements of CSA A277-M-1990 and have not been structurally altered. This exemption does not extend to on-site preparations (foundations, *basements*, anchorage), interconnection of modules, connection to services or installation of *appliances* which shall meet the requirements of CSA A277-M-1990.

3.1.1.5. Climatic Values. Sentence 2.2.1.1.1) of the *Code* is amended by deleting “Appendix C.” in the last line and substituting “Schedule B, Design Data for Selected Locations in Nova Scotia”.

3.1.1.6. Climatic Values. Sentence 2.2.1.1.(2) of the *Code* is amended by deleting “Appendix C” in the middle line and substituting, “Schedule B, Design Data for Selected Locations in Nova Scotia”.

3.1.1.7. Barrier-Free Design. Section 3.8 of the *Code* is deleted and replaced with the Section 3.8 “*Barrier-Free Design*” contained in Schedule “C” of these *regulations*.

3.1.1.8. Subsection 9.5.2. Barrier-Free Design. Subsection 9.5.2. of the *Code* is deleted and the following Article substituted:

Article 9.9.2.7. Barrier-Free Design. Subject to Article 3.8.1.1. every *building* shall be designed in conformance with Section 3.8.

3.1.1.9. Section 3.2 Amended. Section 3.2. is amended by adding Article 3.2.2.85. “Alternate Compliance Methods For Existing *Buildings*”.

Section 3.2.2.85. Alternate Compliance Methods For Existing *Buildings*

(1) **Application.** The Alternate Compliance Methods for Existing *Buildings* contained in Schedule “D” of these *regulations* are hereby adopted and may be used in accordance with Sentences 1.2.1.1.(8), (9), and (10) of these *regulations*.

3.1.1.10. Clause 3.1.2.5.2)d) Amended by italicizing the words, “care facility”.

3.1.1.11. Sentence 9.4.2.3.(1) Replaced. Sentence 9.4.2.3.(1) is deleted and replaced with the following:

9.4.2.3. Platform Type Constructions Subject to Snow and Occupancy Loads

(1) Balconies, decks and other accessible exterior platform type constructions intended for occupancy and subject to snow load shall be designed to carry the specified roof snow load or 1.9 kPa, whichever is greater, where

- a) the construction, or each segregated area of the construction, serves a single suite of residential occupancy, and
- b) the construction does not serve as a required exit.

3.1.1.12. Table 9.4.3.1. Replaced. Table 9.4.3.1. is deleted and replaced with the following:

**Table 9.4.3.1.
Maximum Deflections
Forming Part of Sentence 9.4.3.1.(1)**

| Structural Members | Type of Ceiling Supported | Max. Allowable Deflection as an Expressed Ratio of the Clear Span |
|--|------------------------------------|---|
| Roof rafters, roof joists, roof beams and roof decking of plank and beam construction | No ceiling | 1/180 |
| | Other than plaster or gypsum board | 1/240 |
| | Plaster or gypsum board | 1/360 |
| Ceiling joists | Other than plaster or gypsum board | 1/240 |
| | Plaster or gypsum board | 1/360 |
| Floor beams, floor joists and floor decking | All cases | 1/360 |
| Beams, joists and decking for balconies, decks and other accessible exterior platform type constructions | Serving a single dwelling unit | 1/240 |
| | Other | 1/360 |

3.1.1.13. Sentence 9.12.2.2.(6) Replaced. Sentence 9.12.2.2.(6) is deleted and replaced as follows:

- (6) The foundation depths required in Sentence (1) do not apply to foundations for
- a) buildings
 - i) that are not of masonry or masonry veneer construction, and
 - ii) whose superstructure conforms with the requirements of the deformation resistance test in CAN/CSA-Z240.2.1, "Structural Requirements for Mobile Homes," or
 - b) accessory buildings
 - i) that are not of masonry or masonry veneer construction,
 - ii) not more than 1 storey in building height,
 - iii) not more than 55 m² in building area, and
 - iv) with not more than 600 mm clearance between the finished ground level and the underside of the floor assembly.

3.1.1.14. Add new Sentence 9.12.2.2.(7). Sentence 9.12.2.2.(7) is added as follows:

- (7) The foundation depths required in Sentence (1) do not apply to foundations for decks and other accessible exterior platform type constructions
- a) of not more than one storey,
 - b) not more than 55 m² in area,
 - c) with not more than 600 mm clearance between the finished ground level and the underside of the platform assembly,
 - d) not supporting a roof, and
 - e) not attached to another structure unless it can be demonstrated that differential movement will not adversely affect the performance of that structure.

3.1.1.15. Add new Sentence 9.12.2.2.(8). Sentence 9.12.2.2.(8) is added as follows:

- (8) Where decks or other accessible exterior platform type constructions are supported on surface foundations supported on other than coarse grained soil with good drainage or rock, access shall be provided to the foundation positions to permit re-leveling of the construction.

3.1.1.16. Sentence 9.17.1.1.(1) Replaced. Sentence 9.17.1.1.(1) is deleted and replaced with the following:

- (1) This section applies to columns used to support
- a) beams carrying loads from not more than 2 wood-frame floors where
 - i) the supported length of joists bearing on such beams does not exceed 5 m, and
 - ii) the live load on any floor does not exceed 2.4 kPa (see Table 4.1.6.3.), or
 - b) beams or header joists carrying loads from not more than 2 levels of wood-frame balconies, decks or other accessible exterior platform type constructions, or 1 level plus roof, where
 - i) the supported length of joists supported by such beams or rim joists does not exceed 5 m,
 - ii) the sum of the specified snow and occupancy loads does not exceed 4.8 kPa (see 9.4.3.2.(1) for determination of load on the platform type construction),
 - iii) the construction serves only a single suite of residential occupancy, and
 - iv) the construction does not serve as a required exit, or
 - c) carport roofs (see Section 9.35.).

3.1.1.17. Article 9.17.2.2. Replaced. Article 9.17.2.2. is deleted and replaced with the following:

9.17.2.2. Lateral Support

- (1) Columns shall be securely fastened to the supported member to reduce the likelihood of lateral differential movement between the column and the supported member. (See also Article 9.23.6.2.)
- (2) Except as permitted by Sentence (3), columns shall be laterally supported to resist racking
 - a) directly, or
 - b) by connection to the supported members.
- (3) Columns need not be provided with lateral support as described in Sentence (2) where
 - a) the columns support the platform, with not more than 600 mm clearance between the finished ground level and the underside of the platform assembly, and
 - b) the columns support a deck with no superstructure.

3.1.1.18. Sentence 9.23.6.2.(1) Replaced. Sentence 9.23.6.2.(1) is deleted and replaced with the following:

- (1) Except as provided in Sentence (2), exterior columns and posts shall be anchored to resist uplift and lateral movement.

3.1.1.19. Sentence 9.23.6.2.(2) Added. Sentence 9.23.6.2.(2) is added as follows:

- (2) Where columns or posts support balconies, decks, verandas and other exterior platform type constructions, with not more than 600 mm clearance between the finished ground level and the underside of the platform assembly, the supported joists or beams shall be
 - a) anchored to a foundation to resist uplift and lateral movement, or
 - b) directly anchored to the ground to resist up-lift.

3.1.1.20. Sentence 9.26.1.1.(2) Added. Sentence 9.26.1.1.(2) is added as follows:

- (2) For the purpose of Sentence (1), roofs shall include constructions that effectively serve as roofs with respect to accumulation or drainage of precipitation.

3.1.1.21. Subsection Heading and Sentence 9.26.3.1.(1) Replaced. Subsection Heading and Sentence 9.26.3.1.(1) is deleted and replaced with the following:**9.26.3. Slope of Roofed Surfaces****9.26.3.1. Slope**

- (1) Except as provided in Sentences (2) and (3), the slopes on which roof coverings may be applied shall conform to Table 9.26.3.1.

3.1.1.22. Sentence 9.26.3.1.(4) and (5) Added. Sentence 9.26.3.1.(4) and (5) are added as follows:

- (4) Except where back-slope will not adversely affect adjacent, supported or supporting constructions, roofs and constructions that effectively serve as roofs shall be constructed with sufficient slope away from
 - a) exterior walls, and
 - b) guards that are connected to the roof, or construction that effectively serves as a roof, by more than pickets or posts.
- (5) The slope required in Sentence (4) shall be sufficient to maintain a positive slope
 - a) after expected shrinkage of the building frame, where these surfaces are supported by exterior walls and on exterior columns, and
 - b) considering design loading, where these surfaces are cantilevered from exterior walls.

3.1.1.23. Article 9.26.4.1. is Added. Article 9.26.4.1. is added as follows:**9.26.4.1. Required Flashing at Intersections**

- (1) Except where omission will not adversely affect adjacent, supported or supporting constructions, flashing shall be installed at junctions between roofs and
 - a) walls that rise above the roof, and
 - b) guards that are connected to the roof by more than pickets or posts.
- (2) For the purpose of Sentence (1), roofs shall include constructions that effectively serve as roofs with respect to accumulation or drainage of precipitation.

3.1.1.24. Subsections 9.27.1. to 9.27.3. and 9.23.17. Deleted and Replaced. Subsections 9.27.1. to 9.27.3. and Subsection 9.23.17. are deleted and replaced as follows:

9.27.1. Application

9.27.1.1. General

- (1) Where lumber, wood shingles, shakes, fibre-cement shingles, planks and sheets, plywood, OSB, waferboard, hardboard, vinyl, aluminum and steel, including trim and soffits, are installed as cladding on walls exposed to precipitation, the cladding assembly shall comply with
 - a) Subsections 9.27.2. to 9.27.13., or
 - b) Part 5.
- (2) Where stucco is installed as cladding on wood-frame or masonry walls exposed to precipitation, the cladding assembly shall comply with
 - a) Subsections 9.27.2., 9.27.3. and 9.27.4., and Section 9.28, or
 - b) Part 5.
- (3) Where masonry serves as cladding on wood-frame or masonry walls exposed to precipitation, the cladding assembly shall comply with
 - a) Subsections 9.27.2. to 9.27.4., and Section 9.20., or
 - b) Part 5.
- (4) Where asphalt shingles are installed as cladding on walls exposed to precipitation, the cladding assembly shall comply with
 - a) Subsections 9.27.2., 9.27.3. 9.27.4., and 9.26.7., or
 - b) Part 5.
- (5) Where cladding materials other than those described in Sentences (1) to (4) are installed, or where these are installed on substrates other than those identified in Sentences (1) to (4), the materials and installation shall comply with Part 5.

9.27.2. Required Protection from Precipitation

9.27.2.1. Minimizing and Preventing Ingress and Damage

- (1) Except where exterior walls are protected from precipitation or where it can be shown that ingress will not adversely affect occupant health or safety, the wall shall be designed and constructed to
 - a) minimize ingress of precipitation into the assembly, and
 - b) prevent ingress into interior space.
- (2) Except where exterior walls are protected from mechanisms of deterioration, such as mechanical impact and ultraviolet radiation, exterior walls shall be designed and constructed to minimize the likelihood of required performance being reduced to an unacceptable level as a result of these mechanisms.

9.27.2.2. Minimum Protection from Precipitation Ingress

- (1) Except as provided in Sentence (2), a wall assembly is deemed to have a capillary break between the cladding and the back-up assembly where
 - a) there is a clear air space not less than 10 mm in depth between the cladding and the back-up for the full height and width of the wall,
 - b) an open drainage material is installed between the cladding and the back-up for the full height and width of the wall,
 - c) the cladding is loosely fastened to the back-up and there is a clear air space behind each cladding component that is
 - i) continuous for the full width of the component,
 - ii) not less than 10 mm in depth at the bottom of the component, and
 - iii) not less than 6 mm in depth over not less than 90 mm for every 230 mm of exposed height of the component.
- (2) The clear air space, drainage material and insulating sheathing described in Sentence (1) may be interrupted by

- a) penetrations for windows, doors and services,
- b) flashing,
- c) masonry ties, and
- d) furring provided the furring does not comprise more than 20% of the furred area.

(3) Where a construction projects over the top of the clear air space described in Clause (1)(a) or the drainage material described in Clause (1)(b), the air space or drainage material shall not be contiguous with concealed spaces in the projecting construction.

(4) Exterior walls exposed to precipitation shall be protected against ingress of precipitation with an exterior cladding assembly consisting of a first plane of protection and a second plane of protection where the wall encloses spaces of residential occupancy or spaces that directly serve spaces of residential occupancy.

(5) Except as provided in Sentence (6), exterior walls exposed to precipitation shall be protected against precipitation ingress with an exterior cladding assembly consisting of a first plane of protection and a second plane of protection separated by a capillary break.

(6) In exterior walls described in Sentence (5), the first and second plane of protection need not be separated by a capillary break where it can be shown that omitting the break will not adversely affect any of

- a) the health or safety of *building* users,
- b) the intended use of the *building*, or
- c) the operation of *building* services.

9.27.2.3. First and Second Planes of Protection

(1) Where walls required to provide protection from precipitation are comprised of first and second planes of protection,

- a) the first plane of protection shall
 - i) consist of cladding, with appropriate trim, accessory pieces and fasteners, and
 - ii) be designed and constructed to minimize the passage of rain and snow into the wall by minimizing holes and managing precipitation ingress due to kinetic energy of raindrops, surface tension, capillarity, gravity, and air pressure difference (see Subsections 9.27.4. to 9.27.13.),
- b) the second plane of protection shall be designed and constructed to
 - i) intercept all rain and snow that gets past the first plane of protection, and
 - ii) effectively dissipate it to the exterior (see Subsection 9.27.3.),
- c) the protection provided by the first and second planes of protection shall be maintained at
 - i) wall penetrations created by the installation of components and services such as windows, doors, ventilation ducts, piping, wiring and electrical outlets, and
 - ii) the interface with other wall assemblies.

9.27.2.4. Protection of Cladding from Moisture

(1) Not less than a 200 mm clearance shall be provided between finished ground and cladding, such as untreated wood, plywood, OSB, waferboard and hardboard, that is adversely affected by moisture.

(2) Not less than a 50 mm clearance shall be provided between a roof surface and cladding that is adversely affected by moisture, such as untreated wood, plywood, OSB, waferboard and hardboard.

9.27.3. Second Plane of Protection

9.27.3.1. Elements of the Second Plane of Protection

(1) The second plane of protection shall consist of a drainage plane with appropriate inner boundary and flashing to dissipate rainwater to the exterior.

(2) The inner boundary of the drainage plane shall comply with Articles 9.27.3.2. to 9.27.3.7.

(3) The protection provided by the second plane of protection shall be maintained at wall penetrations created by the installation of components and services such as windows, doors, ventilation ducts, piping,

r

wiring and electrical outlets, and at the interface with other wall assemblies.

- (4) Flashing material and installation shall comply with Articles 9.27.3.8. and 9.27.3.9.

9.27.3.2. Sheathing Membrane Material Standard

- (1) Sheathing membrane shall conform to the performance requirements of CAN/CBSB-51.32-M, "Sheathing, Membrane, Breather Type".

9.27.3.3. Sheathing Membrane beneath Stucco

- (1) Tar-saturated felts or papers shall not be used as a sheathing paper beneath stucco.

9.27.3.4. Required Sheathing Membrane and Installation

- (1) Except as provided in Articles 9.27.3.5., 9.27.3.6. and 9.27.3.7., at least one layer of sheathing membrane shall be applied beneath cladding.

- (2) Sheathing membrane required in Sentence (1) shall be applied so that joints are lapped not less than 100 mm.

- (3) Where sheathing membrane required in Sentence (1) is applied horizontally, the upper sheets shall overlap the lower sheets.

9.27.3.5. Insulating Sheathing in Lieu of Sheathing Membrane

- (1) Where non-wood-based rigid exterior insulating sheathing, or exterior insulating sheathing with an integral sheathing membrane is installed, a separate sheathing membrane is not required.

- (2) Where insulating sheathing is installed as provided in Sentence (1),
- a) sheathing panels subject to moisture deterioration shall be sealed at all joints, and
 - b) the joints of sheathing panels not subject to moisture deterioration shall be
 - i) sealed at all joints, or
 - ii) lapped or tongue and groove, and detailed to ensure drainage of water to the exterior.

9.27.3.6. Sheathing Membranes in Lieu of Sheathing

- (1) Except as provided in Article 9.23.17.6., where no sheathing is used, at least 2 layers of sheathing membrane shall be applied beneath the cladding. (See Article 9.23.16.1.)

- (2) All joints in the sheathing membrane required in Sentence (1) shall occur over framing, and the membrane shall be fastened to the framing with roofing nails or staples spaced not more than 150 mm along the edges of the outer layer of sheathing membrane.

- (3) Wall sheathing is permitted to be used in lieu of one layer of sheathing membrane required in Sentence (1), and the thickness need not conform to Table 9.23.16.2.A.

9.27.3.7. Face Sealed Cladding

- (1) Sheathing membrane is permitted to be omitted beneath cladding when the joints in the cladding are formed to effectively prevent the passage of wind and rain in conformance with Sentences (2) or (4), as applicable.

- (2) Cladding consisting of sheets of plywood, hardboard, OSB, waferboard or asbestos cement is considered to meet the requirements in Sentence (1), provided the cladding is applied so that

- a) all edges are directly supported by framing, and
- b) the vertical joints between adjacent sheets are
 - i) covered with battens,
 - ii) shiplapped, or
 - iii) otherwise matched to provide weathertight joints.

- (3) Vertical joints between sheets described in Sentence (2) shall be caulked.

- (4) Metal siding consisting of sheets of metal is considered to meet the requirements of Sentence (1) where the joints between sheets are of the locked seam type.

9.27.3.8. Flashing Materials

- (1) Flashing shall consist of not less than
- a) 1.73 mm thick sheet lead,
 - b) 0.33 mm thick galvanized steel,
 - c) 0.46 mm thick copper,
 - d) 0.46 mm thick zinc,
 - e) 0.48 mm thick aluminum, or
 - f) 1.02 mm thick vinyl.

9.27.3.9. Flashing Installation

- (1) Except as provided in Sentence (2), flashing shall be installed at
- a) every horizontal junction between claddings elements,
 - b) every horizontal off-set in the cladding,
 - c) every horizontal line where the cladding substrates change and
 - i) differ sufficiently for stresses to be concentrated along that line, or
 - ii) where the installation of the cladding on the lower substrate may compromise the drainage of moisture from behind the cladding above.
- (2) Flashing need not be installed as described in Sentence (1)
- a) where the upper cladding elements overlap the lower cladding elements by not less than 25 mm, or
 - b) where
 - i) the cladding above and below the joint is installed outboard of a clear drained and vented air space (see Clause 9.27.2.2.(3)(a)), and
 - ii) the horizontal detail is constructed to minimize ingress of precipitation into the airspace, or
 - c) at horizontal construction joints in stucco where
 - i) the joint is finished with an expansion-contraction strip, and
 - ii) the cladding is installed outboard of a drained and vented air space (see Clause 9.27.2.2.(3)(a)).
- (3) Except as provided in Sentence (6), flashing shall be installed over exterior wall openings where the vertical distance from the bottom of the eave to the top of the trim is more than one-quarter of the horizontal overhang of the eave.
- (4) Flashing described in Sentences (1) and (3) shall
- a) extend not less than 50 mm upward inboard of the sheathing membrane or sheathing installed in lieu of the sheathing membrane (see Article 9.27.3.5.),
 - b) have a slope of not less than 6% toward the exterior after accounting for expected frame shrinkage,
 - c) terminate at each end with an end-dam not less than 25 mm high,
 - d) lap not less than 10 mm vertically over the building element below, and
 - e) terminate in a drip extending not less than 5 mm outward from the outer face of the building element below.
- (5) Except as provided in Sentence (6), where sills of windows and doors installed in exterior walls are not self-flashing, flashing shall be installed between the underside of the window or door and the wall construction below.
- (6) Where a window or exterior door is provided with an integral exterior flange and is designed to be installed on the exterior of essentially flat lock-seam metal cladding without a head or sill flashing, the flange shall be
- a) bedded into a non-hardening sealant material, and
 - b) screwed down over the sealant through to the wall framing to form a waterproof joint.

3.1.1.25. Section 3.2 Amended. Sentences 3.1.7.5.1); 3.2.1.1.6); 3.2.1.4.1); 3.2.2.2.1); 3.2.2.11.1); 3.2.2.12.1); 3.2.2.13.1); 3.2.2.14.1); 3.2.2.14.3); 3.2.2.16.1); 3.2.2.18.2); 3.2.2.19.1); 3.2.2.19.1); 3.2.2.73.1); 3.2.3.12.2); 3.3.3.57.4) of the Code are amended by deleting “3.2.2.83.” and substituting “3.2.2.84.” in each

case.

3.1.1.26. Article 3.2.2.18.1) Amended. Article 3.2.2.18.1) of the Code is amended by deleting, “ and” before 3.2.2.81. and substituting, “ , and 3.2.2.84.” after 3.2.2.81.

3.1.1.27. Section 3.2. Amended. Section 3.2. of the Code is amended by adding Article 3.2.2.84., “ Sprinkler Regulations.” after Article 3.2.2.83. as follows:

3.2.2.84. Sprinkler Regulations.

(1) Conflicts in Sprinkler Regulations. Where there is a conflict between the sprinkler regulations in Article 3.2.2.84. and Subsection 3.2.2. the more stringent requirement prevails.

(2) Alternatives

(a) Alternatives to Regulations. Alternatives to regulations in this Code are permitted if the authority having jurisdiction, in consultation with the Office of the Fire Marshal, is satisfied that these alternatives provide an equivalent to the level of fire protection required by the Code in conformance with Article 2.5.1.2. of the Code.

(b) Alternative Fire Suppression Systems. Where, in the opinion of the authority having jurisdiction, the installation of an automatic sprinkler system in a building would be unsuitable by reason of the nature of the occupancy, the authority having jurisdiction, in consultation with the Office of the Fire Marshal, may

- (i) waive the regulations contained in any one or more of the Sentences 3.2.2.84.(4), (5), (6), (7), (8), (9); and
- (ii) require the installation of an alternative fire suppression system that will conform to a standard of National Fire Protection Association (NFPA), or other standard of a certification organization accredited by the Standards Council of Canada.

(c) Occupancy. Where there is an occupancy which does not meet similar conditions to those occupancies listed in NFPA 13, the authority having jurisdiction, in consultation with the Office of the Fire Marshal, may require that the building conform to a standard of National Fire Protection Association (NFPA), or other standards of a certification organization accredited by the Standards Council of Canada.

(3) Exemption

(a) Scope

- (i) Where the installation of a fire suppression system in an alteration to a non-designated building is required by Section 3.2., such system shall also be required to encompass the non-designated portion of the building or a firewall shall be constructed to separate the non-designated and designated portions of the building.
- (ii) Where an alteration to a non-designated building is above any portion of the non-designated building, the entire building must meet the sprinkler regulations applicable to a designated building.

(4) Assembly Occupancies - Group “A”

(a) Application. An automatic sprinkler system shall be installed in every assembly building:

- (i) containing one storey and having a building area greater than 1,394 m² (15,000 square feet).
- (ii) containing two storeys and having a building area greater than 929 m², (10,000 square feet).
- (iii) containing three storeys and having a building area greater than 465 m² (5,000 square feet), or
- (iv) containing four or more storeys.

(5) Institutional Occupancies - Group “B”

(a) Application. An automatic sprinkler system shall be installed in every institutional building:

- (i) containing one storey and having a building area greater than 929 m² (10,000 square feet),
- (ii) containing two storeys and having a building area greater than 465 m² (5,000 square feet), or
- (iii) containing three or more storeys.

(6) Residential Occupancies - Group "C"

- (a) **Application.** An automatic sprinkler system shall be installed in every *residential building*:
- (i) containing one *storey* and having a *building area* greater than 1,394 m², (15,000 square feet),
 - (ii) containing two *storeys* and having a *building area* greater than 929 m², (10,000 square feet),
 - (iii) containing three *storeys* and having a *building area* greater than 465 m², (5,000 square feet), or
 - (iv) containing four or more *storeys*, except a *residential building* containing one or two family *dwelling unit(s)* with a *building area* less than 232 m², (2500 square feet).

(7) Business and Personal Services Occupancies - Group "D"

- (a) **Application.** An automatic sprinkler system shall be installed in every business and personal services *building*:
- (i) containing one *storey* and having a *building area* greater than 2,788 m², (30,000 square feet),
 - (ii) containing two *storeys* and having a *building area* greater than 1,858 m², (20,000 square feet),
 - (iii) containing three *storeys* and having a *building area* greater than 929 m², (10,000 square feet), or
 - (iv) containing four or more *storeys*.

(8) Mercantile Occupancies - Group "E"

- (a) **Application.** An automatic sprinkler system shall be installed in every mercantile *building*:
- (i) containing one *storey* and having a *building area* greater than 1,394 m², (15,000 square feet),
 - (ii) containing two *storeys* and having a *building area* greater than 929 m² (10,000 square feet),
 - (iii) containing three *storeys* and having a *building area* greater than 465 m², (5,000 square feet), or
 - (iv) containing four or more *storeys*.

(9) Industrial Occupancies - Group "F"

- (a) **Application.** An automatic sprinkler system shall be installed in every industrial *building*:
- (i) containing one *storey* and having a *building area* greater than 1,394 m², (15,000 square feet),
 - (ii) containing two *storeys* and having a *building area* greater than 929 m² (10,000 square feet), or
 - (iii) containing three or more *storeys*.
- (b) Notwithstanding clauses (i), (ii), and (iii), the *authority having jurisdiction* may require the installation of an approved automatic sprinkler system or special fire suppression system in any industrial *building* where, in the opinion of the *authority having jurisdiction* in consultation with the Fire Marshal or a representative, there is likely to be a special fire hazard by reason of an *occupancy* which will involve the use or storage of substantial quantities of *combustible*, flammable or explosive materials.

Schedule "A"**LETTER OF UNDERTAKING**

**CONFIRMATION OF COMMITMENT BY OWNER
TO THE MUNICIPAL AUTHORITY HAVING JURISDICTION
FIELD REVIEW OF CONSTRUCTION**

PREAMBLE

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And Whereas the Minister of Housing and Municipal Affairs has by regulation adopted the National *Building Code*, with amendments as the Nova Scotia *Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And Whereas *architects* and *professional engineers* are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And Whereas Part 2 of the Nova Scotia *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Nova Scotia *Building Code* with sufficient drawings and documents to show how these standards have been met;

And Whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

To: The Authority having Jurisdiction

Date: _____

Address (Print)

Dear _____

Re: _____

Address of Project (Print) _____

Name of Project (Print) _____

Legal Description of Project (Print) _____

I (the *owner*) submit this Letter of Undertaking to the *authority having jurisdiction* along with a completed application for a *building permit*.

The undersigned has appointed an *architect(s)*, *professional engineer(s)*, *designer(s)*, or prime consultant(s) to undertake, as required in Articles 2.1.1.5. and 2.1.1.6. of the *Regulations*, the *Field Review of Construction* and

I have attached to this Letter of Undertaking
(check appropriate boxes)

- Field Review of Construction* Commitment Certificates completed by me or the prime consultant appointed by me to coordinate the *Field Review of Construction*.
- Field Review of Construction* Commitment Certificates (identified below) completed by individual *designers* appointed by me to perform the *Field Review of Construction* for the applicable discipline(s).
- shall forward *Field Review of Construction* Commitment Certificates for those not yet appointed.
(Initial the disciplines that apply to this project. All disciplines will not necessarily be employed on every project)
- | | | |
|--|-------------------------------------|---------------------------------------|
| <input type="checkbox"/> Building Design | <input type="checkbox"/> Structural | <input type="checkbox"/> Plumbing |
| <input type="checkbox"/> Mechanical | <input type="checkbox"/> Electrical | <input type="checkbox"/> Geotechnical |
| <input type="checkbox"/> Fire Suppression System | | |

I shall notify the *authority having jurisdiction* if the *architect* or *professional engineer* named in the attached "Review of Construction Commitment Certificate(s)" ceases, for whatever reason, to provide the *Field Review of Construction* for this *building* and shall appoint another *architect* and *professional engineer* immediately so that the *Field Review of Construction* will continue uninterrupted. This notice and the necessary *Field Review of Construction* Commitment Certificates shall be forwarded to the *authority having jurisdiction* as soon as practical, but not later than 72 hours.

Signature of *Owner* _____

Date _____

Print Name _____

Address _____

Postal Code _____

Phone _____

Fax _____

Schedule "A-1"

FIELD REVIEW OF CONSTRUCTION INSPECTION COMMITMENT CERTIFICATE PRIME CONSULTANT

PREAMBLE

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And Whereas the Minister of Housing and Municipal Affairs has by regulation adopted the National *Building Code*, with amendments as the Nova Scotia *Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And Whereas *architects* and *professional engineers* are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And Whereas Part 2 of the Nova Scotia *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Nova Scotia *Building Code* with sufficient drawings and documents to show how these standards have been met;

And Whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of

construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

To: The *authority having jurisdiction*

Date: _____

Address (Print)

Dear _____

Re:

Address of Project (Print)

Name of Project (Print)

Legal Description of Project (Print)

This is to advise that I am the *architect, professional engineer or designer* appointed by the *owner* as prime consultant to coordinate the *Field Review of Construction* for the above referenced project.

I hereby certify as prime consultant for this project that I will coordinate the *Field Review of Construction* for the following disciplines which I have checked and initialled.

- | | | |
|--|-------------------------------------|---------------------------------------|
| <input type="checkbox"/> Building Design | <input type="checkbox"/> Structural | <input type="checkbox"/> Plumbing |
| <input type="checkbox"/> Mechanical | <input type="checkbox"/> Electrical | <input type="checkbox"/> Geotechnical |
| <input type="checkbox"/> Fire Suppression System | | |

I attach for your review the *Field Review of Construction* Inspection Commitment Certificates for each above marked and initialled discipline completed by an appropriate professional for each discipline, or shall forward the *Field Review of Construction* Inspection Commitment Certificate for those not yet appointed.

I, and professionals who have completed the various *Field Review of Construction* Inspection Commitment Certificates, will perform the *Field Review of Construction*.

I also certify that

- 1) I will coordinate the review of shop drawings;
- 2) I will coordinate the review of changes to the design documents; and
- 3) I will complete or have completed by the appropriate professional the Certification of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the coordination of the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the Engineering Profession Act, or the Architects Act.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 72 hours, if the contract for *Field Review of Construction* is terminated at any time during construction.

Print Name

Signature

Initials Sample

Print Name of Firm or Company

Print Address

Print City

Postal Code

Telephone

Fax

(Affix Below the Seal of the Licensed *Architect* or *Professional Engineer* as Appropriate in Accordance With Provincial Legislation or signed by the prime consultant)

Schedule "A-2"

**FIELD REVIEW OF CONSTRUCTION
INSPECTION COMMITMENT CERTIFICATE
BUILDING DESIGN REQUIREMENTS**

PREAMBLE

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And Whereas the Minister of Housing and Municipal Affairs has by regulation adopted the National *Building Code*, with amendments as the Nova Scotia *Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And Whereas *architects* and *professional engineers* are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And Whereas Part 2 of the Nova Scotia *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Nova Scotia *Building Code* with sufficient drawings and documents to show how these standards have been met;

And Whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

To: The *authority having jurisdiction*

Date: _____

Address (Print)

Dear _____

Re:

Address of Project (Print)

Name of Project (Print)

Legal Description of Project (Print)

This is to advise that I am the architect or professional engineer appointed by the owner or prime consultant to perform the *Field Review of Construction* for the BUILDING DESIGN aspects of the project, which are within Part 3 and Part 5 of the *Code* and as shown in design documents submitted to the *authority having jurisdiction* but do not include areas of work referred to in certificates A-3 to A-9 inclusive.

I hereby certify for the Building Design Requirements that

- 1) I will review the shop drawings relevant to this certificate to determine general compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the design documents relevant to this certificate to ensure that the changes conform to the *Code*; and
- 3) I will complete the Certification of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the coordination of the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the *Architects Act* or *Professional Engineer's Act*.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 72 hours, if the contract for *Field Review of Construction* is terminated at any time during construction.

Print Name

Signature

Initials Sample

Print Name of Firm or Company

(Affix below the seal of the licensed *architect*
or *professional engineer* in accordance with Provincial
Legislation)

 Print Address

 Print City Postal Code

 Telephone Fax

Schedule "A-3"

FIELD REVIEW OF CONSTRUCTION INSPECTION COMMITMENT CERTIFICATE STRUCTURAL DESIGN REQUIREMENTS

PREAMBLE

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And Whereas the Minister of Housing and Municipal Affairs has by regulation adopted the National *Building Code*, with amendments as the Nova Scotia *Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And Whereas *architects* and *professional engineers* are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And Whereas Part 2 of the Nova Scotia *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Nova Scotia *Building Code* with sufficient drawings and documents to show how these standards have been met;

And Whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

To: The *authority having jurisdiction*

Date: _____

 Address (Print)

Dear _____

Re:

 Address of Project (Print)

 Name of Project (Print)

 Legal Description of Project (Print)

This is to advise that I am the *professional engineer* appointed by the *owner* or prime consultant to perform the *Field Review of Construction* for the STRUCTURAL DESIGN requirements.

I hereby certify for the Structural Design Requirements that

- 1) I will review the structural shop drawings to determine general compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the structural design drawings to determine that the changes conform to the *Code*; and
- 3) I will complete the Certification of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the occupancy *permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the Engineering Profession Act.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 72 hours if the contract for *Field Review of Construction* is terminated at any time during construction.

 Print Name

 Signature

 Initials Sample

 Print Name of Firm or Company

 Print Address

 Print City

 Postal Code

 Telephone

 Fax

(Affix Below the Seal of the Professional
 Engineer in Accordance With Provincial
 Legislation)

Schedule "A-4"

FIELD REVIEW OF CONSTRUCTION INSPECTION COMMITMENT CERTIFICATE MECHANICAL DESIGN REQUIREMENTS

PREAMBLE

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And Whereas the Minister of Housing and Municipal Affairs has by regulation adopted the National *Building Code*, with amendments as the Nova Scotia *Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And Whereas *architects* and professional engineers are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And Whereas Part 2 of the Nova Scotia *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Nova Scotia *Building Code* with sufficient drawings and documents to show how these standards have been met;

And Whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

To: The *authority having jurisdiction*

Date: _____

 Address (Print)

Dear _____

Re:

 Address of Project (Print)

 Name of Project (Print)

 Legal Description of Project (Print)

This is to advise that I am the *professional engineer* appointed by the *owner* or prime consultant to perform the Field Review of Construction for the MECHANICAL DESIGN requirements.

I hereby certify for the Mechanical Design Requirements that

- 1) I will review the mechanical shop drawings to determine general compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the mechanical design documents to ensure that the applicable *professional engineer(s)* determines whether the changes conform to the *Code*; and
- 3) I will complete the Certification of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the Engineering Profession Act.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 72 hours, if the contract for *Field Review of Construction* is terminated at any time during construction.

| | | |
|-------------------------------|-----------------|---|
| _____ | | (Affix Below the Seal of the Professional Engineer in Accordance With Provincial Legislation) |
| Print Name | | |
| Signature | _____ | |
| | Initials Sample | |
| _____ | | |
| Print Name of Firm or Company | | |
| _____ | | |
| Print Address | | |
| _____ | | |
| Print City | Postal Code | |
| _____ | | |
| Telephone | Fax | |
| _____ | | |

Schedule "A-5"

FIELD REVIEW OF CONSTRUCTION INSPECTION COMMITMENT CERTIFICATE ELECTRICAL DESIGN REQUIREMENTS

PREAMBLE

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And Whereas the Minister of Housing and Municipal Affairs has by regulation adopted the National *Building Code*, with amendments as the Nova Scotia *Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And Whereas *architects* and professional engineers are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And Whereas Part 2 of the Nova Scotia *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Nova Scotia *Building Code* with sufficient drawings and documents to show how these standards have been met;

And Whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

To: The *authority having jurisdiction*

Date: _____

Address (Print)

Dear _____

Re:

Address of Project (Print)

Name of Project (Print)

Legal Description of Project (Print)

This is to advise that I am the *professional engineer* appointed by the *owner* or prime consultant to perform the Field Review of Construction for the ELECTRICAL DESIGN requirements.

I hereby certify for the Electrical Design Requirements that

- 1) I will review the electrical shop drawings to determine general compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the electrical design documents to ensure that the applicable *professional engineer(s)* determines whether the changes conform to the *Code*; and
- 3) I will complete the Certification of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so.

The functions will however be performed under my supervision in accordance with the Engineering Profession Act.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 72 hours, if the contract for *Field Review of Construction* is terminated at any time during construction.

| | | |
|-------------------------------|-----------------|---|
| _____ | | (Affix Below the Seal of the Professional Engineer in Accordance With Provincial Legislation) |
| Print Name | | |
| _____ | _____ | |
| Signature | Initials Sample | |
| _____ | | |
| Print Name of Firm or Company | | |
| _____ | | |
| Print Address | | |
| _____ | | |
| _____ | _____ | |
| Print City | Postal Code | |
| _____ | | |
| Telephone | Fax | |

Schedule "A-6"

**FIELD REVIEW OF CONSTRUCTION
INSPECTION COMMITMENT CERTIFICATE
FIRE SUPPRESSION SYSTEMS DESIGN REQUIREMENTS**

PREAMBLE

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And Whereas the Minister of Housing and Municipal Affairs has by regulation adopted the National *Building Code*, with amendments as the Nova Scotia *Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And Whereas *architects* and *professional engineers* are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And Whereas Part 2 of the Nova Scotia *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Nova Scotia *Building Code* with sufficient drawings and documents to show how these standards have been met;

And Whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

To: The *authority having jurisdiction* Date: _____

Address (Print) _____

Dear _____

Re: _____
 Address of Project (Print) _____
 Name of Project (Print) _____
 Legal Description of Project (Print) _____

This is to advise that I am the *professional engineer* appointed by the *owner* or prime consultant to perform the Field Review of Construction for the FIRE SUPPRESSION SYSTEMS DESIGN requirements.

I hereby certify for the Fire Suppression Systems Design Requirements that

- 1) I will review the fire suppression systems shop drawings to *determine general compliance with the design documents*, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the fire suppression systems design documents to ensure that the applicable *professional engineer(s)* determines whether the changes conform to the *Code*;
- 3) I will complete the Certification of *Field Review of Construction* and return it to the *authority having*

jurisdiction prior to requesting the *occupancy permit*;

- 4) I will file a copy of this form, a copy of the shop drawings, and specifications for the fire suppression system, and a copy of the appropriate contractor’s material and test certificate for the system, as required by sentence 3.2.5.13.(1) of the *Code*, with the Office of the Fire Marshal. I shall forward proof of receipt for each of the documents filed, issued by the Office of the Fire Marshal, to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the Engineering Profession Act.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 72 hours, if the contract for *Field Review of Construction* is terminated at any time during construction.

| | |
|-------------------------------|-----------------|
| Print Name | |
| Signature | Initials Sample |
| Print Name of Firm or Company | |
| Print Address | |
| Print City | Postal Code |
| Telephone | Fax |

(Affix Below the Seal of the Professional Engineer in n Accordance With Provincial Legislation)

Schedule “A-7”

**FIELD REVIEW OF CONSTRUCTION
INSPECTION COMMITMENT CERTIFICATE
GEOTECHNICAL DESIGN REQUIREMENTS**

PREAMBLE

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the ‘Act’ applies to the construction or *demolition* of a *building*;

And Whereas the Minister of Housing and Municipal Affairs has by regulation adopted the National *Building Code*, with amendments as the Nova Scotia *Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And Whereas *architects* and *professional engineers* are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And Whereas Part 2 of the Nova Scotia *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Nova Scotia *Building Code* with sufficient drawings and documents to show how these standards have been met;

And Whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

To: The *authority having jurisdiction* Date: _____

Address (Print) _____

Dear _____

Re: _____
 Address of Project (Print) _____
 Name of Project (Print) _____
 Legal Description of Project (Print) _____

This is to advise that I am the *professional engineer* appointed by the *owner* or prime consultant to perform the Field Review of Construction for the GEOTECHNICAL (PERMANENT) DESIGN requirements.

I hereby certify for the Geotechnical (Permanent) Systems Design Requirements that

- 1) I will review the Geotechnical shop drawings to determine general compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the Geotechnical design documents to ensure that the applicable *professional engineer(s)* determines whether the changes conform to the *Code*; and
- 3) I will complete the Certification of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the Engineering Profession Act.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 72 hours, if the contract for *Field Review of Construction* is terminated at any time during construction.

| | |
|-------------------------------|-----------------|
| Print Name | |
| Signature | Initials Sample |
| Print Name of Firm or Company | |
| Print Address | |
| Print City | Postal Code |
| Telephone | Fax |

(Affix Below the Seal of the Professional Engineer in Accordance With Provincial Legislation)

Schedule "A-8"

**FIELD REVIEW OF CONSTRUCTION
INSPECTION COMMITMENT CERTIFICATE
PLUMBING DESIGN REQUIREMENTS**

PREAMBLE

Whereas the *Building Code Act*, RSNS 1989, Chapter 46, hereinafter referred to as the 'Act' applies to the construction or *demolition* of a *building*;

And Whereas the Minister of Housing and Municipal Affairs has by regulation adopted the National *Building Code*, with amendments as the Nova Scotia *Building Code*, requiring compliance with it as adopted for the construction or *demolition* of *buildings*;

And Whereas *architects* and *professional engineers* are required by their respective statutes, *regulations*, and bylaws, to ensure the general public of competent standards and ethical conduct in the design of *buildings*;

And Whereas Part 2 of the Nova Scotia *Building Code* requires professionals to design *buildings* in conformance with the minimum standards of the Nova Scotia *Building Code* with sufficient drawings and documents to show how these standards have been met;

And Whereas Part 2 of the *Regulations* made pursuant to the Act, requires that these *buildings* be inspected at intervals appropriate to the stage of construction to determine general compliance with the design drawings accepted by the *authority having jurisdiction* and all revisions thereto;

To: The *authority having jurisdiction* Date: _____

Address (Print) _____

Dear _____

Re: _____
 Address of Project (Print) _____
 Name of Project (Print) _____
 Legal Description of Project (Print) _____

This is to advise that I am the *professional engineer* appointed by the *owner* or prime consultant to perform the Field Review of Construction for the PLUMBING DESIGN requirements.

I hereby certify for the Plumbing Design Requirements that

- 1) I will review the plumbing shop drawings to determine general compliance with the design documents, however, the party producing the shop drawings remains responsible for the design expressed therein;
- 2) I will coordinate the review of changes to the plumbing design documents to ensure that the applicable *professional engineer(s)* determines whether the changes conform to the *Code*; and
- 3) I will complete the Certification of *Field Review of Construction* and return it to the *authority having jurisdiction* prior to requesting the *occupancy permit*.

Please be advised that I may delegate some or all of my duties associated with the *Field Review of Construction* to another person employed by me or my firm where it is consistent with prudent professional practice to do so. The functions will however be performed under my supervision in accordance with the Engineering Profession Act.

The undersigned shall notify the *authority having jurisdiction*, in writing as soon as practical, but not later than 72 hours, if the contract for *Field Review of Construction* is terminated at any time during construction.

| | | |
|-------------------------------|-----------------|---|
| _____ | | (Affix Below the Seal of the Professional Engineer in Accordance With Provincial Legislation) |
| Print Name | | |
| _____ | _____ | |
| Signature | Initials Sample | |
| _____ | | |
| Print Name of Firm or Company | | |
| _____ | | |
| Print Address | | |
| _____ | _____ | |
| Print City | Postal Code | |
| _____ | _____ | |
| Telephone | Fax | |

Schedule "A-9"

CERTIFICATION OF *FIELD REVIEW OF CONSTRUCTION*

NOTE: This letter must be signed by a Licensed *Architect* or *Professional Engineer* as appropriate in accordance with Provincial Legislation and must be submitted after completion of the project but before the *occupancy permit* is issued. A separate letter must be submitted by each *architect* or *professional engineer* hired by the *owner* or prime consultant.

To: The *authority having jurisdiction* Date: _____

Address (Print) _____

Dear _____

Re: _____
Address of Project (Print)

Legal Description of Project (Print)

I hereby certify that I have fulfilled my obligations for Field Review of Construction as defined in the Letter of Undertaking and the Inspection Commitment Certificate, and advise that I have reviewed the work at intervals appropriate, to determine general compliance with the design and all revisions thereto as accepted by the *authority having jurisdiction*.

| | | |
|------------|-----------------|--|
| _____ | | (Affix Below the Seal of the Licensed <i>Architect</i> or <i>Professional Engineer</i> as Appropriate in Accordance With Provincial Legislation) |
| Print Name | | |
| _____ | _____ | |
| Signature | Initials Sample | |

Print Name of Firm (if applicable)

Print Address

Print City Postal Code

Telephone Fax

Schedule "B"

DESIGN DATA FOR SELECTED LOCATIONS IN NOVA SCOTIA

| Location | Design Temperature | | | | Degree-Days Below 18EC | 15 Min. Rain mm | One Day Rain mm | Ann. Total Ppm. mm | Ground Snow Load, kPa | | Snow Hourly Wind Pressures | | | Seismic Data | | |
|-----------------|--------------------|-------|-----------|--------|------------------------|-----------------|-----------------|--------------------|-----------------------|----------------|----------------------------|----------|-----------|----------------|----------------|------------------------|
| | January | | July 2.5% | | | | | | S _s | S _r | 1/10 kPa | 1/30 kPa | 1/100 kPa | Z _a | Z _v | Zonal Velocity Ratio v |
| | 2.5% EC | 1% EC | Dry EC | Wet EC | | | | | | | | | | | | |
| Amherst | -21 | -24 | 27 | 21 | 4700 | 18 | 102 | 1050 | 2.2 | 0.5 | 0.41 | 0.52 | 0.66 | 1 | 1 | 0.05 |
| Antigonish | -20 | -23 | 27 | 21 | 4550 | 15 | 102 | 1170 | 1.9 | 0.5 | 0.41 | 0.50 | 0.60 | 1 | 1 | 0.05 |
| Baddeck | -16 | -18 | 27 | 21 | 4546 | 13 | 102 | 1245 | 2.0 | 0.5 | 0.45 | 0.55 | 0.67 | 2 | 1 | 0.05 |
| Bedford | -16 | -18 | 26 | 20 | 3880 | 15 | 140 | 1282 | 1.6 | 0.5 | 0.40 | 0.52 | 0.67 | 1 | 1 | 0.05 |
| Bridgewater | -15 | -17 | 27 | 20 | 4208 | 15 | 107 | 1487 | 1.7 | 0.5 | 0.41 | 0.52 | 0.67 | 1 | 1 | 0.05 |
| Canso | -17 | -19 | 25 | 20 | 4477 | 15 | 114 | 1344 | 1.5 | 0.5 | 0.49 | 0.58 | 0.68 | 1 | 1 | 0.05 |
| Dartmouth | -16 | -18 | 26 | 20 | 4186 | 18 | 132 | 1361 | 1.4 | 0.5 | 0.40 | 0.52 | 0.67 | 1 | 1 | 0.05 |
| Debert | -22 | -25 | 27 | 21 | 4553 | 18 | 93 | 1296 | 1.9 | 0.5 | 0.39 | 0.50 | 0.63 | 1 | 1 | 0.05 |
| Digby | -15 | -17 | 25 | 20 | 3957 | 15 | 123 | 1254 | 2.0 | 0.5 | 0.40 | 0.50 | 0.62 | 1 | 1 | 0.05 |
| East Gore | -20 | -22 | 27 | 21 | 4325 | 16 | 120 | 1150 | 2.2 | 0.5 | 0.35 | 0.47 | 0.61 | | | |
| Elmsdale | -19 | -21 | 27 | 21 | 4424 | 16 | 130 | 1490 | 1.6 | 0.5 | 0.40 | 0.52 | 0.67 | | | |
| Enfield | -19 | -21 | 27 | 21 | 4424 | 16 | 130 | 1490 | 1.6 | 0.5 | 0.40 | 0.52 | 0.67 | | | |
| Greenwood | -17 | -19 | 28 | 21 | 4217 | 15 | 113 | 1099 | 2.4 | 0.5 | 0.36 | 0.48 | 0.61 | 1 | 1 | 0.05 |
| Halifax | -16 | -18 | 26 | 20 | 3880 | 15 | 140 | 1282 | 1.7 | 0.5 | 0.40 | 0.52 | 0.67 | 1 | 1 | 0.05 |
| Kennetcook | -20 | -22 | 27 | 21 | 4325 | 15 | 114 | 1130 | 1.8 | 0.5 | 0.35 | 0.47 | 0.61 | | | |
| Kentville | -18 | -20 | 28 | 21 | 4194 | 18 | 145 | 1177 | 2.2 | 0.5 | 0.36 | 0.48 | 0.62 | 1 | 1 | 0.05 |
| Lantz | -19 | -21 | 27 | 21 | 4424 | 16 | 130 | 1490 | 1.6 | 0.5 | 0.40 | 0.52 | 0.67 | | | |
| Liverpool | -14 | -16 | 27 | 20 | 4029 | 15 | 203 | 1308 | 1.5 | 0.5 | 0.44 | 0.55 | 0.69 | 1 | 1 | 0.05 |
| Lockeport | -14 | -16 | 25 | 20 | 3950 | 15 | 127 | 1400 | 1.3 | 0.5 | 0.44 | 0.55 | 0.68 | 1 | 1 | 0.05 |
| Louisburg | -15 | -17 | 26 | 20 | 4546 | 15 | 102 | 1427 | 1.9 | 0.6 | 0.52 | 0.60 | 0.71 | 2 | 2 | 0.10 |
| Lunenburg | -15 | -17 | 26 | 20 | 4200 | 15 | 127 | 1400 | 1.7 | 0.5 | 0.43 | 0.55 | 0.70 | 1 | 1 | 0.05 |
| Maitland | -21 | -23 | 26 | 22 | 4400 | 16 | 115 | 1160 | 1.7 | 0.5 | 0.37 | 0.48 | 0.62 | | | |
| Milford Station | -20 | -22 | 27 | 21 | 4500 | 16 | 120 | 1090 | 1.6 | 0.5 | 0.38 | 0.50 | 0.64 | | | |
| Mount Uniacke | -19 | -21 | 27 | 21 | 4610 | 17 | 184 | 1518 | 2.4 | 0.5 | 0.42 | 0.55 | 0.70 | | | |
| New Glasgow | -21 | -23 | 27 | 21 | 4350 | 15 | 102 | 1140 | 2.0 | 0.5 | 0.40 | 0.50 | 0.62 | 1 | 1 | 0.05 |
| Noel | -20 | -22 | 26 | 22 | 4400 | 15 | 107 | 1180 | 1.8 | 0.5 | 0.37 | 0.48 | 0.62 | | | |
| North Sydney | -16 | -18 | 27 | 21 | 4500 | 13 | 89 | 1350 | 2.2 | 0.5 | 0.47 | 0.55 | 0.65 | 2 | 1 | 0.05 |
| Pictou | -21 | -24 | 27 | 21 | 4300 | 15 | 102 | 1140 | 2.0 | 0.5 | 0.40 | 0.50 | 0.62 | 1 | 1 | 0.05 |
| Port Hawkesbury | -19 | -22 | 27 | 21 | 4300 | 15 | 76 | 1300 | 1.9 | 0.5 | 0.59 | 0.69 | 0.80 | 1 | 1 | 0.05 |
| Shubenacadie | -20 | -22 | 27 | 21 | 4500 | 16 | 119 | 1080 | 1.6 | 0.5 | 0.38 | 0.50 | 0.63 | | | |
| Springhill | -20 | -23 | 27 | 21 | 4300 | 18 | 102 | 1140 | 2.8 | 0.5 | 0.39 | 0.50 | 0.64 | 1 | 1 | 0.05 |
| Stewiacke | -21 | -23 | 27 | 21 | 4400 | 18 | 102 | 1070 | 1.6 | 0.5 | 0.39 | 0.50 | 0.63 | 1 | 2 | 0.05 |
| Sydney | -16 | -18 | 27 | 21 | 4541 | 13 | 97 | 1400 | 2.1 | 0.5 | 0.47 | 0.55 | 0.65 | 2 | 2 | 0.10 |
| Tatamagouche | -21 | -24 | 27 | 21 | 4423 | 18 | 89 | 1058 | 2.0 | 0.5 | 0.40 | 0.50 | 0.62 | 1 | 1 | 0.05 |
| Truro | -21 | -23 | 27 | 21 | 4661 | 18 | 133 | 1139 | 1.8 | 0.5 | 0.37 | 0.48 | 0.60 | 1 | 1 | 0.05 |
| Walton | -19 | -21 | 26 | 22 | 4400 | 15 | 117 | 1125 | 1.9 | 0.5 | 0.38 | 0.50 | 0.64 | | | |
| Wolfville | -19 | -21 | 28 | 21 | 4150 | 18 | 127 | 1075 | 2.2 | 0.5 | 0.36 | 0.48 | 0.62 | 1 | 1 | 0.05 |
| Yarmouth | -13 | -15 | 22 | 19 | 4065 | 13 | 173 | 1282 | 1.6 | 0.5 | 0.41 | 0.51 | 0.63 | 1 | 1 | 0.05 |
| Column 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |

NOTE: If an [a] municipality has recent climatic values for additional locations that it wishes included in a subsequent amendment of this table, please send them to the Building Code Coordinator, Public Safety Division, Nova Scotia Environment and Labour, PO Box 697, Halifax, NS, B3J 2T8.

Schedule "C"

As amended by Article 3.1.1.7. of these regulations Section 3.8 Barrier-Free Design of the Code is replaced with the following:

Section 3.8 Barrier-Free Design

3.8.1. General

3.8.1.1. Scope

(1) This section applies to the design and construction requirements of *buildings* and occupancies to make them accessible to, and usable by, disabled persons.

(2) With the exception of the requirements for entrances addressed in 3.8.1.3., where there are openings through a firewall, other than those for piping, tubing, wiring and conduit, the requirements of this Section shall apply to the floor areas on both sides of the firewall as if they were in the same building.

3.8.1.2. Application

(1) The requirements of this section apply to all *buildings*, except

- (a) houses, including semi-detached, duplexes, triplexes, townhouses, row houses, boarding houses, and rooming houses,
- (b) buildings of Group F, Division 1 major occupancy,
- (c) buildings which are not intended to be occupied on a daily or full time basis, including automatic telephone exchanges, pumphouses, and substations, and
- (d) *industrial occupancies* with an operation which is not adaptable to *barrier-free*.

(2) In hotels, motels and tourist cabins, one sleeping unit conforming to Article 3.8.3.16. shall be provided for every twenty (20) sleeping units or part thereof.

(3) In hotels, motels, and tourist cabins at least one sleeping unit, other than those required in Sentence 3.8.1.2.(2) for every twenty (20) sleeping units or part thereof, shall be provided with a warning system which shall conform to Article 3.8.3.17.

(4) Every floor area from which more than one exit is required and to which a *barrier-free* path of travel is required to provide access, shall be served by one or more areas of refuge, as described in Article 3.8.3.18. so that they are accessible from two directions of travel.

3.8.1.3. Entrances

(1) Except as required in Sentence (2), every *building* referred to in Article 3.8.1.2. shall have at least 50% of its pedestrian entrances intended for general use by the occupants designed in conformance with Article 3.8.3.3. and opening to the outdoors at sidewalk level or to a ramp conforming to Article 3.8.3.4. leading to a sidewalk level.

(2) Where a suite of Group A, D, or E occupancy is located in the first storey of a building or in a storey to which a *barrier-free* path of travel is provided and is completely separated from the remainder of the *building* so that there is no access to the remainder of the building, such suite shall have at least one *barrier-free* entrance in conformance with Sentence (1).

(3) At a *barrier-free* entrance that includes more than one doorway, only one of the doorways is required to be designed in accordance with the requirements of Article 3.8.3.3.

(4) Where entrances are equipped with security systems, both visual and audible signals shall be used to indicate when the door lock is released.

(5) Canopies or other overhead structures over roadways providing access to the entrance described in Sentence (1) shall have a vertical clearance of not less than 2 750 mm.

3.8.1.4. Barrier-Free Path of Travel

- (1) Except as permitted in Subsection 3.8.3., every *barrier-free* path of travel shall provide an unobstructed width of not less than 920 mm for the passage of wheelchairs.
- (2) Floor surfaces along a *barrier-free* path of travel shall have no opening that will permit the passage of a sphere more than 13 mm diameter.
- (3) Every *barrier-free* path of travel less than 1600 mm in width shall be provided with an unobstructed space not less than 1600 mm in width and 1600 mm in length located not more than 30 m apart.
- (4) A *barrier-free* path of travel is permitted to include ramps, elevators or other platform elevating devices where there exists a difference in elevation.

3.8.1.5. Storeys Serviced by Escalators

Where escalators provide access to storeys above or below the first storey, an interior *barrier-free* path of travel shall be provided to those storeys serviced by the escalators.

3.8.1.6. Controls

Except as provided in Article 3.8.3.5. for elevators, controls for the operation of *building* services or safety devices, located in a *Barrier-Free* path of travel and intended to be operated by an occupant, including electrical switches, thermostats and intercom switches, shall be accessible to a person in a wheelchair operable with one hand and shall be mounted not more than 1375 mm above the floor.

3.8.1.7. Illumination

All portions of a *barrier-free* path of travel shall be equipped to provide a level of illumination in accordance with Sentence 3.2.7.1.(1).

3.8.2. Occupancy Requirements**3.8.2.1. Areas Requiring Barrier-Free Path of Travel**

- (1) A *barrier-free* path of travel shall be provided in the entrance storey, each storey exceeding 600 m² in area and in each storey served by a passenger elevator or passenger elevating device from the entrance described in Article 3.8.1.3.
- (a) into each suite (see sentences 3.8.3.3.(1), (2) and (3)),
 - (b) into and within all suites required to conform to Article 3.8.3.16.,
 - (c) into rooms or areas that serve the public or are designated for use by visitors, including areas in assembly occupancies with fixed seats, display areas and merchandising departments,
 - (d) into rooms or areas for student use in assembly occupancies,
 - (e) into general work areas, including office areas,
 - (f) into general use or general service areas, including shared laundry areas in residential occupancies, recreational areas, cafeterias, lounge rooms, lunch rooms and infirmaries,
 - (g) into patients' rooms, patients' washroom and floor areas where patient services are provided,
 - (h) into at least one passenger elevator or elevating device conforming to Article 3.8.3.5.,
 - (i) into washrooms described in Article 3.8.2.3.,
 - (j) onto every balcony provided in conformance with Sentence 3.3.1.7.(1),
 - (k) to all service counters used by the general public, such as, but not limited to refreshment stands, drinking fountains, and checkout counters, and
 - (l) to at least 50% of public floor spaces in assembly occupancies that consist of more than one tier or floor level containing fixed seating.
- (2) A *barrier-free* path of travel for persons in wheelchairs is not required
- (a) to service rooms,
 - (b) to elevator machine rooms,
 - (c) to janitors' rooms,
 - (d) to service spaces,
 - (e) to crawl spaces,
 - (f) to *attic or roof spaces*,
 - (g) to mezzanines not served by a passenger elevator or other platform equipped passenger elevating

device,

- (h) to or within *high hazard industrial occupancies*,
- (i) within portions of a floor area with fixed seats in an *assembly occupancy* where those portions are not part of the *barrier-free* path of travel to spaces designated for wheelchair use,
- (j) to portions exempt under 3.8.1.2.(1).(d).

(3) The number of spaces designated for wheelchair use in the rooms and areas referred to in Clause 3.8.2.1.(1)(c) shall be one space for every 125 seats or part thereof.

3.8.2.2. Vehicle Parking

(1) Where on-site parking will be provided, parking stalls for use by disabled persons shall be provided in the ratio of 1 for every 100 or part thereof.

(2) At least one parking level or portion thereof in a parking structure shall be designed to accommodate wheelchair accessible vehicles, and shall have a vertical clearance of not less than 2400 mm.

(3) The vehicle entrance to and exit from the parking level described in Sentence (1) shall also have a vertical clearance of not less than 2400 mm.

(4) One parking stall for disabled persons shall be provided for each viewing position required in assembly occupancies in Sentence 3.8.2.1.(3).

(5) Stalls referred to in this Article shall

- (a) be at least 3.7 m wide,
- (b) have a firm, slip-resistant and level surface,
- (c) be located close to an entrance required to conform with Article 3.8.1.3., but not exceeding 50 m,
- (d) be clearly marked as being for the use of disabled persons only, and
- (e) be provided with a *barrier-free* path of travel (conforming to Article 3.8.1.4.) to the entrance described in Article 3.8.1.3.

3.8.2.3. Washrooms Required to be Barrier-Free

(1) Except as permitted in Sentence (2), where washrooms are provided in a storey to which a *barrier-free* path of travel is required in conformance with Article 3.8.2.1., these washrooms shall include *barrier-free* design features in conformance with the appropriate requirements in Articles 3.8.3.8. to 3.8.3.11.

(2) Washrooms need not conform to the requirements in Sentence (1) provided

- (a) they are located within suites of residential occupancy,
- (b) other *barrier-free* washrooms are provided on the same floor area within 45 m, or
- (c) they are located in an individual suite having a floor area of less than 500 m².

(3) Where *alterations* are made to existing buildings, special washrooms conforming to Article 3.8.3.11. are permitted to be provided in lieu of facilities for disabled persons in washrooms used by the general public.

3.8.3. Design Standards

3.8.3.1. Accessibility Signs

(1) Where a *building* is required to have an entrance or an *area of refuge* or both to accommodate disabled persons, signs incorporating the international symbol of accessibility for disabled persons shall be installed where necessary to indicate the location of that entrance or the *area of refuge* or both.

(2) Where a washroom, elevator or parking area is required to accommodate disabled persons, it shall be identified by a sign consisting of the international symbol of accessibility for disabled persons and such other graphic or written directions as are needed to indicate clearly the type of facility available.

(3) Where a washroom is not designed to accommodate disabled persons in a storey to which a *barrier-free* path of travel is required, signs shall be provided to indicate the location of *barrier-free* facilities.

(4) Doors and openings that lead from public places and through which the public is permitted to enter shall be identified by specific tactile signs with letters

- (a) not less than 60 mm high and raised 0.75 mm above the surface, and
- (b) located 1350 mm above the floor surface and beginning not more than 150 mm from the door or openings.

(5) Signs incorporating the international symbol of accessibility for disabled persons shall be installed where necessary to indicate the location of the accessible means of egress.

3.8.3.2. Exterior Walks

- (1) Exterior walks, excluding public sidewalks, that form part of a *barrier-free* path of travel shall
- (a) be provided by means of a continuous plane not interrupted by steps or abrupt changes in level,
 - (b) have a permanent, firm and slip-resistant surface,
 - (c) have a minimum uninterrupted width of 1100 mm,
 - (d) have a gradient no steeper than 1 in 12,
 - (e) have a minimum 75 mm high curb where, in the absence of walls, railings, or other barriers on either or both sides of the walk, the vertical drop from the walk exceeds 75 mm,
 - (f) have a minimum 1100 mm wide surface of a different texture to that surrounding it, where the line of travel is level and even with adjacent walking surfaces,
 - (g) be free from obstructions for the full width of the walk to a minimum height of 1980 mm, except that handrails are permitted to project not more than 100 mm from either or both sides into the clear area,
 - (h) be designed in accordance with Clauses 3.8.3.4.(1)(d) and (e) where the gradient of the walk is steeper than 1 in 20, and
 - (i) have a level area adjacent to the entrance doorway conforming to Clause 3.8.3.4.(1)(c).

3.8.3.3. Doorways and Doors

- (1) Every doorway that is located in a *barrier-free* path of travel shall be operable with one hand and have a clear width of not less than 800 mm when the door is in the open position.
- (2) The doorway to at least one bathroom within a suite of residential occupancy shall have a clear width of not less than 760 mm when the door is in the open position.
- (3) Door operating devices for doors referred to in Sentence (1) shall be of a design which does not require tight grasping and twisting of the wrist as the only means of operation.
- (4) Thresholds for doorways referred to in Sentences (1) and (2) shall be not more than 13 mm higher than the finished floor surface and shall be bevelled to facilitate the passage of wheelchairs.
- (5) Except as permitted in Sentence (6), the door for the entrance described in Article 3.8.1.3. shall be equipped with a power door operator in
- (a) hotels,
 - (b) *buildings* of Group B, Division 2 major occupancy, and
 - (c) buildings of Group A, D or E major occupancy more than 500 m² in *floor area*.
- (6) The requirements in Sentence (5) do not apply to exterior doors serving an individual suite having an area of less than 500 m² in buildings having only suites of Group A, D or E occupancy where such suite is completely separated from the remainder of the building so that there is no access to the remainder of the building.
- (7) Except as permitted in Sentence (10) and except for doors with power door operators, closers for other entrance doors described in Article 3.8.1.3. shall be designed to permit doors to open when a force of not more than 20 N is applied to the handles, push plates or latch-releasing devices (see sentence 3.8.3.3. (7) NBC 1995).
- (8) Except as required in Sentence (9) interior doors in a *barrier-free* path of travel shall be designed to permit doors to open with a force of not more than 20 N.
- (9) Interior doors in a *barrier-free* path of travel that require a fire resistance rating shall have door hardware that complies with NFPA 80 "Fire Doors and Windows".

(10) Sentence (7) does not apply to doors at the entrances to dwelling units, or where greater forces are required in order to close and latch the doors against prevailing differences in air pressures on opposite sides of the doors.

(11) Except for doors with power door operators or at the entrances to *dwelling units*, closers for doors in a *barrier-free* path of travel shall have a closing period of not less than 3 s measured from when the door is in an open position of 70° to the doorway, to when the door reaches a point 75 mm from the closed position, measured from the leading edge of the latch side of the door.

(12) Every door equipped with a closer in a *barrier-free* path of travel shall have a clear space beyond the latch side of not less than

- (a) 600 mm where the door swings towards the approach side, and
- (b) 300 mm where the door swings away from the approach side.

(13) Vestibules located in a *barrier-free* path of travel shall be arranged to allow the movement of wheelchairs between doors and shall provide a distance between 2 doors in a series of not less than 1200 mm plus the width of any door that swings into the space in the path of travel from one door to another.

(14) Where a vision panel is provided in a door in a *barrier-free* path of travel, such panel shall be at least 75 mm in width and be located so that

- (a) the bottom of the panel is not more than 900 mm above the finished floor, and
- (b) the edge of the panel closest to the latch is not more than 200 mm from the latch side of the door.

(15) Only the active leaf in a multiple leaf door in a *barrier-free* path of travel need conform to the requirements of this Article.

3.8.3.4. Ramps

(1) Ramps located in a *barrier-free* path of travel shall

- (a) have a width of not less than 870 mm between handrails,
- (b) have a gradient of not more than 1 in 12,
- (c) have a level area not less than 1500 by 1500 mm at the top and bottom and at intermediate levels of a ramp leading to a door, so that the level area extends not less than 600 mm beyond the latch side of the door opening, except that where the door opens away from the ramp, the area extending beyond the latch side of the door opening may be reduced to 300 mm,
- (d) have a level area not less than 1200 mm long and at least the same width as the ramp
 - i) at intervals of not more than 9 m along its length, and
 - ii) where there is an abrupt change in the direction of the ramp,
- (e) except as provided in Sentence (2), be equipped with handrails and guards conforming to Articles 3.4.6.4. and 3.4.6.5.,
- (f) have a slip-resistant, continuous and even surface, and
- (g) have walls, railings or other barriers that extend to within 75 mm of the finished ramp surface or a 75 mm high curb.

(2) Where a ramp serves as an aisle way for fixed seating, the requirement for handrails in Clause 3.8.3.4.(1)(e) need not apply.

(3) Floors or interior walks in a *barrier-free* path of travel having a slope steeper than 1 in 20 shall be designed as ramps.

3.8.3.5. Elevators

(1) A passenger elevator that is required to be *barrier-free* shall conform to Appendix E of CAN/CSA-B44, "Safety Code for Elevators".

(2) The passenger elevating device referred to in Article 3.8.2.1. shall conform to CAN/CSA-B355-M, "Lifts for Persons with Physical Disabilities."

(3) Freight elevators are not to be considered as providing a *barrier-free* path of travel to any storey or floor level.

3.8.3.6. Spaces in Seating Area

- (1) Spaces designated for wheelchair use referred to in Sentence 3.8.2.1.(3) shall be
- clear and level, or level with removable seats,
 - not less than 840 mm wide and 1525 mm long to permit wheelchairs to enter from a side approach and 1220 mm long where the wheelchair enters from the front or rear of the space,
 - arranged so that at least 2 designated spaces are side by side,
 - located adjoining a *barrier-free* path of travel without infringing on egress from any row of seating or any aisle requirements, and
 - situated, as part of the designated seating plan, to provide a choice of viewing location.

3.8.3.7. Assistive Listening Devices

(1) Except as permitted in Sentence (2), in *buildings of assembly occupancy*, all classrooms, auditoria, meeting rooms and theatres with an area of more than 100 m² shall be equipped with an assistive listening system encompassing the entire seating area.

(2) Where the assistive listening system required in Sentence (1) is an induction loop system, only half the seating area in the room need be encompassed.

3.8.3.8. Water Closet Stalls

- (1) Where a washroom is required by Article 3.8.2.3. to be *barrier-free* and contains more than one water closet at least one of the water closet stalls shall
- be not less than 1500 mm wide by 1500 mm deep,
 - be equipped with a door which shall
 - be capable of being locked from the inside, with a locking mechanism that is operable by one hand,
 - provide, when the door is in an open position, a clear opening of at least 810 mm,
 - swing outward, unless 760 mm by 1220 mm clear floor area is provided within the stall or enclosure to permit the door to be closed without interfering with the wheelchair,
 - be provided with a door having spring-type or gravity hinges so that the door closes automatically.

3.8.3.9. Water Closets and Urinals

- (1) [A] water closets- for *barrier-free* [*sic*] shall be located so that its centre line is 460 mm from the wall with the grab bar and 1030 mm from any obstruction on the other side wall.
- (2) A room housing a single water closet or a stall, either of which is required to be *barrier-free*, shall
- be equipped with grab bars which shall
 - be mounted horizontally on the side wall closest to the water closet and shall extend not less than 450 mm in both directions from the forward most point of the water closet,
 - be mounted on the wall behind the water closet so that it extends the full width of the toilet bowl where the water closet does not have a water tank,
 - be mounted not less than 840 mm not more than 920 mm above the floor,
 - be installed to resist a load of not less than 1.3 kN applied vertically or horizontally,
 - be not less than 30 mm and not more than 40 mm in diameter, and
 - have a clearance of not less than 35 mm and not more than 45 mm from the wall,
 - be equipped with a coat hook mounted not more than 1370 mm above the floor on a side wall and projecting not more than 25 mm from the wall,
 - have a clearance of not less than 1700 mm between the outside of the stall face and the face of an in-swinging washroom door and 1400 mm between the outside of the stall face and any wall-mounted fixture, and
 - have ancillary items such as a toilet paper dispenser located on the wall nearest to the water closet below the grab bar, not less than 460 mm above the floor, and within easy reach of a person seated on the water closet.
- (3) Water closets for disabled persons shall
- be equipped with seats located at not less than 400 mm and not more than 460 mm above the floor,
 - be equipped with hand-operated flushing controls that are easily accessible to a wheelchair user,
 - be equipped with a back support such as a seat lid,

- (d) not have a spring-actuated seat, and
- (e) have the lid of a tank type water closet bolted down.

- (4) If urinals are provided in a *barrier-free* washroom, not less than one urinal shall
- (a) be wall mounted with the rim located between 488 and 512 mm above the floor, or be floor mounted with the rim level with the finished floor,
 - (b) have a clear width of approach of 800 mm centred on the urinal,
 - (c) have no step in front of the urinals, and
 - (d) have a vertically mounted grab bar installed on each side of the urinal that is not less than 300 mm long, with its centre line 1000 mm above the floor, and located not more than 380 mm from the centre line of the urinal.

3.8.3.10. Lavatories

- (1) *Barrier-free* washrooms shall be provided with a lavatory which shall
- (a) be located so that the distance between the centre line of the fixture and the side wall is not less than 460 mm,
 - (b) have a top surface height of not more than 865 mm,
 - (c) have a clearance beneath of not less than
 - i) 735 mm at the front edge of the lavatory, and
 - ii) 685 mm at a point 205 mm back from the front edge,
 - (d) have insulated waste pipes where these pipes present a burn hazard,
 - (e) be equipped with faucet handles of the lever type without spring loading,
 - (f) have soap and towel dispensers operable with a single hand located not more than 1200 mm above the floor in an area that is accessible to persons in wheelchairs, and
 - (g) have a clear floor space centred in front of the lavatory not less than 815 mm wide and 1100 mm deep exclusive of space under the wash basin.
- (2) Shelves or other projections above lavatories shall be located so they will not present a hazard to visually impaired persons.
- (3) At least one mirror shall be provided and mounted with its bottom edge not more than 1000 mm above the finished floor, or shall be tilted to be useable by a person in a wheelchair.

3.8.3.11. Special Washrooms

- (1) Where a special washroom is provided primarily for the use of disabled persons of both sexes in lieu of facilities for disabled persons in washrooms used by the general public, such washrooms shall
- (a) be equipped with doors capable of being locked from the inside with one hand and provided with a means of emergency release from the outside,
 - (b) be provided with a lavatory conforming to Article 3.8.3.10.,
 - (c) be equipped with a water closet conforming to Article 3.8.3.9.,
 - (d) be equipped with washroom accessories conforming to Clause 3.8.3.10.(1)(f),
 - (e) be equipped with grab bars conforming to Clause 3.8.3.9.(2)(a),
 - (f) have no dimension less than 1700 mm, or an unobstructed circular turning area at least 1500 mm in diameter,
 - (g) have fixture clearances conforming to the fixture clearances described in Articles 3.8.3.8. to 3.8.3.10.,
 - (h) be equipped with a coat hook conforming to Clause 3.8.3.9.(2)(b) and a shelf located not more than 1200 mm above the floor, and
 - (i) have a doorway conforming to Article 3.8.3.3.

3.8.3.12. Showers and Bathtubs

- (1) Where showers are provided in *buildings of assembly occupancy*, at least one shower stall shall be *barrier-free* and shall
- (a) be not less than 1500 mm wide and 900 mm deep,
 - (b) have a clear floor space at the entrance to the shower not less than 900 mm deep and the same width as the shower, except that fixtures are permitted to project into that space provided they do not restrict access to the shower,
 - (c) have a slip-resistant floor surface,

- (d) have a bevelled threshold not more than 13 mm higher than the finished floor,
- (e) be equipped with a hinged seat that is not spring-loaded or a fixed seat that is
 - i) not less than 450 mm wide and 400 mm deep,
 - ii) mounted approximately 450 mm above the floor, and
 - iii) designed to carry a minimum load of 1.3 Kn,
- (f) be equipped with a horizontal grab bar which shall
 - i) be not less than 900 mm long,
 - ii) be mounted approximately 850 mm above the floor,
 - iii) be located on the wall opposite the entrance to the shower so that not less than 300 mm of its length is at one side of the seat, and
 - iv) conform to Subclauses 3.8.3.8.(1)(d)(iv), (v), and (vi),
- (g) be equipped with a pressure-equalizing or thermostatic mixing valve controlled by a lever or other device operable with a closed fist from the seated position,
- (h) be equipped with a hand-held shower head with not less than 1500 mm of flexible hose located so that it can be reached from the seated position and equipped with a support so that it can operate as a fixed shower head, and
- (i) have fully recessed soap holders which can be reached from the seated position.

(2) Individual shower stalls that are provided for use by residents and patients in *buildings* of Group B, Division 2 institutional occupancy shall conform to the requirements of Clauses (1)(a) to (i).

(3) Individual bathtubs that are provided for the use of residents and patients in Group B, Division 2 institutional occupancies

- (a) shall have faucet handles of the lever type that are not spring-loaded,
- (b) shall have faucet handles that are located so as to be usable by a person seated in the bathtub, and
- (c) shall have mounted on the wall, unless the bathtub is free-standing, an L-shaped grab bar conforming to Subclauses 3.8.3.8.(1)(d)(iv) to (vi),
 - i) with each leg of the "L" being at least 900 mm long,
 - ii) with the legs of the "L" being separated by 90E,
 - iii) with the horizontal leg of the "L" being located between 150 mm and 200 mm above and parallel to the rim of the bathtub, and
 - iv) with the vertical leg of the "L" being located between 300 mm and 450 mm from the control end of the bathtub.

3.8.3.13. Counters

(1) All counters more than 2 m long serving the public shall have at least one section that is *barrier free* for employees and the public in conformance with Sentences (2) and (3).

(2) *Barrier-free* counter surfaces shall be not more than 865 mm above the floor.

- (3) Knee space beneath *barrier-free* counters intended to be used as work surfaces shall be not less than
- (a) 760 mm wide,
 - (b) 685 mm high, and
 - (c) 485 mm deep.

3.8.3.14. Shelves or Counters for Telephones

(1) Where built-in shelves or counters are provided for public telephones, they shall be level and shall

- (a) be not less than 350 mm deep,
- (b) have, for each telephone provided, a clear space not less than 250 mm wide having no obstruction within 250 mm above the surface,

(2) The top surface of a section of the shelf or counter described in Sentence (1) serving at least one telephone shall be not more than 865 mm above the floor.

(3) Where a wall-hung telephone is provided above the shelf or counter section described in Sentence (2), it shall be located so that the receiver and coin slot are not more than 1370 mm above the floor.

(4) Where public telephones are provided, at least one telephone shall be provided with a variable volume

control on the receiver.

(5) Where public telephones are provided in entrance foyers of *buildings* classified as Group A, Group B Division 1, hospitals in Group B Division 2, police stations in Group D, or Group E, or in lobbies of hotels and motels, at least one telephone shall be provided with a built-in telecommunication device for the deaf (TDD).

3.8.3.15. Drinking Fountains

- (1) Where drinking fountains are provided, at least one shall be *barrier-free* and shall
- (a) have a spout located near the front of the unit not more than 915 mm above the floor, and
 - (b) be equipped with controls that are easily operable from a wheelchair using one hand with a force of not more than 22 N.

3.8.3.16. Sleeping Units

- (1) Where sleeping units are required by Sentence 3.8.1.2.(2), they shall have
- (a) sufficient space to provide a turning area of not less than 1500 mm diameter on one side of a bed,
 - (b) sufficient space to provide clearance of not less than 900 mm to allow for functional use of units by persons in wheelchairs,
 - (c) an accessible balcony where balconies are provided,
 - (d) at least one closet that provides
 - i) a minimum clear opening of 900 mm,
 - ii) clothes hanger rods located at a height of 1200 mm, and
 - iii) at least one shelf located at a height of 1370 mm,
 - (e) light switches, thermostats and other controls that are specifically provided for use by the occupant ~~shall be~~ mounted not more than 1375 mm above the floor,
 - (f) electrical receptacles located between 455 mm and 550 mm above the finished floor,
 - (g) a G.F.I. razor outlet located not more than 1200 mm above the floor, and
 - (h) an accessible bathroom which shall be designed to provide manoeuvring space up to each type of fixture required to be usable by persons in a wheelchair conforming to the following:
 - i) a floor space of not less than 3.7 m² with no dimension less than 1700 mm when the door swings out and 4.0 m² with no dimension less than 1800 mm when the door swings in,
 - ii) fixtures located to provide maximum manoeuvrability for persons in wheelchairs,
 - iii) have grab bars conforming to Clause 3.8.3.9.(2)(a),
 - iv) have a coat hook conforming to Clause 3.8.3.9.(2)(b),
 - v) a water closet conforming to Article 3.8.3.9.,
 - vi) contain at least one lavatory conforming to Article 3.8.3.10,
 - (i) washroom accessories conforming to Clause 3.8.3.10.(1)(f), and
 - (j) a lock on the entrance door that is operable with one hand.
- (2) Where baths are located within the accessible bathrooms they shall
- (a) have a clear floor area in front of the bath not less than 1500 mm long by 800 mm out from the bath, with fixtures being permitted to project into such clear area provided that access to the bath controls from a wheelchair is not restricted,
 - (b) have faucets conforming to the requirements of Clause 3.8.3.10.(1)(e),
 - (c) have shower selector controls that meet the requirements for faucets described in Clause (b),
 - (d) have a water supply that is controlled by a pressure-equalizing valve or by an automatic thermostatically-controlled valve,
 - (e) have a removable seat to permit lateral transfer from a wheelchair which is
 - i) designed to remain stable during use,
 - ii) wide enough to give stability to the user,
 - iii) capable of carrying a load of not less than 1.33 kN, and
 - iv) manufactured so as to be impervious to water and of such a design as to be easily cleaned,
 - (f) have a telephone-type shower located at the same end of the bath as the controls, where a shower is provided,
 - (g) have an integral slip-resistant bottom,
 - (h) not have shower doors, and
 - (i) have grab bars that conform with 3.8.3.12.
- (3) Where shower compartments are located within the accessible bathroom, they shall conform to 3.8.3.12.

3.8.3.17. Visual Warning Signals

(1) To assist persons with a hearing impairment when a fire alarm system is required by subsection 3.2.4. or subsection 9.10.17., a warning system required by Sentence 3.8.1.2.(3) and conforming to Sentences (2) and (3) shall be installed in hotels, motels, and tourist cabins.

(2) The warning system required by Sentence (1) shall consist of strobe lights supervised, activated, and powered by means of the accepted fire alarm system (supervised by the fire alarm system shall mean up to, but not include, the strobe lights), and be connected to, activated, and powered by, the sounding of the smoke alarm and

- (a) be of 7 watt second output capacity and produce approximately 80 flashes per minute,
- (b) have a clear or white translucent lens,
- (c) have the word FIRE clearly visible on the lens or attached nameplate,
- (d) be installed in each bedroom, room closed off from the living area by a door except a bathroom, and living area or hallway serving the living area, and
- (e) be located [a] minimum [of] 2150 mm above the floor on a wall or ceiling in a location that will maximize effectiveness.

(3) When the strobe lights described in Sentence (2) are activated by the smoke alarm, a separate small indicator light shall be activated and shall be located either immediately adjacent to the strobe lights and clearly identified as SMOKE, or on the smoke alarm, or immediately adjacent to the smoke alarm.

3.8.3.18. Areas of Refuge

(1) Except as provided in Sentence (4), every floor area to which access is required shall be served by areas of refuge which, shall in number and location correspond to the exits required by subsection 3.4.2.

(2) Areas of refuge shall be

- (a) an acceptable space accessible from an exterior exit door,
- (b) an acceptable space served by a horizontal exit,
- (c) an exit enclosure or an enclosure directly connected to an exit and having the same fire separation as the exit,
- (d) an area conforming to Sentence 3.3.1.7.(1), or
- (e) a vestibule or corridor served by a fire fighters' elevator conforming to Sentences 3.2.6.5.(4) to (6) inclusive and protected against fire in conformance with Clauses 3.2.6.5.(3)(b) or (c).

(3) In accordance with Sentence 3.8.3.1.(1) areas of refuge shall have a sign installed incorporating the international symbol of accessibility.

(4) Two areas of refuge may be served by one vestibule or corridor conforming to Clause (2)(e) provided the vestibule or corridor is accessible from at least two different directions of travel.

(5) Areas of refuge described by Clauses (2)(c), (d) and (e) shall

- (a) be smoke protected in conformance with Sentence 3.2.6.2.(2) when located in buildings over three storeys in building height whether the building is sprinklered or not, and
- (b) contain at least two spaces for non-ambulatory persons each measuring at least 1220 mm x 1220 mm but not obstructing egress for ambulatory persons.

(5) Areas of refuge described in Sentence (2) shall be designated as areas of refuge on the plans and identified as such in the *building*.

[Note: numbering as in original.]

(7) Except for doors conforming to the maximum temperature rise limitations of Table 3.1.8.15., glazed openings are not permitted in walls between areas of refuge described in Sentence (2) and the remainder of the floor area.

Schedule "D"

ALTERNATE COMPLIANCE METHODS FOR EXISTING BUILDINGS

| No. | Code Requirement | Alternate Compliance Method |
|-----|---|---|
| 1 | Fire Separations 3.1.3.1 and Table 3.1.3.1; 9.10.9. 2 h <i>fire separation</i> required between some major occupancies. | Except for F1 occupancies, 1 h <i>fire separation</i> is acceptable, if the <i>building</i> is fully <i>sprinklered</i> . |
| 2 | Fire Separations 3.1.3. and Table 3.1.3.1; 9.10.9. 1 h <i>fire separation</i> required between some major occupancies. | ½ h <i>fire separation</i> is acceptable if the <i>building</i> is fully <i>sprinklered</i> . |
| 3 | Noncombustible Construction 3.1.5. and 9.10.6.1. All materials used in <i>noncombustible construction</i> must be <i>noncombustible</i> unless otherwise permitted | 1. Roofs may be of <i>combustible construction</i> provided the <i>building</i> is fully <i>sprinklered</i> . 2. Up to 10% gross <i>floor area</i> to a maximum of 10% of any one <i>floor area</i> may be of <i>combustible construction</i> provided the <i>building</i> is fully <i>sprinklered</i> . |
| 4 | Fire-resistance Rating 3.1.7.1.(1); 9.10.3.1. Where a material, assembly of materials or structural member is required to have a <i>fire resistance rating</i> it shall be tested in accordance with CAN/ULC-S101. | A fire-resistance rating may also be used based on: 1. HUD No. 8 Guideline on Fire Ratings of Archaic Materials and Assemblies. 2. Fire Endurance of Protected Steel Columns and Beams, DBR Technical Paper No. 194. 3. Fire Endurance of Unit Masonry Walls, DBR Technical Paper No. 207. 4. Fire Endurance of Light-Framed and Miscellaneous Assemblies, DBR Technical Paper No. 222. |
| 5 | Rating of Supporting Construction 3.1.7.5.; 9.10.8.3. Supporting assemblies to have <i>fire resistance rating</i> at least equivalent to that of the supported floor. | <i>Heavy timber</i> construction is permitted to have a <i>fire resistance rating</i> less than would be required by the <i>Code</i> provided the <i>building</i> ; (a) is fully <i>sprinklered</i> , and (b) does not exceed 5 <i>storeys</i> in <i>building height</i> . |
| 6 | Continuity of Fire Separations 3.1.8.3.(1) and (2); 9.10.9.2. <i>Fire separations</i> are required to be continuous above the ceiling space. | <i>Fire separations</i> are not required to be continuous above the ceiling space where: (a) the ceiling space is <i>non-combustible construction</i> , (b) both <i>fire compartments</i> are <i>sprinklered</i> , or (c) the ceiling has a minimum rating of 30 minutes. |
| 7 | Wired Glass 3.1.8.5.(1) and 3.1.8.14.(2); 9.10.13.1. and 9.10.13.5. 6 mm wired glass in steel frame required in <i>fire separations</i> . | For fixed transoms or sidelights, 6 mm wired glass fixed to a wood frame of at least 50 mm thickness with steel stops is permitted in a required <i>fire separation</i> . |
| 8 | Mezzanines 3.2.1.1.(3) to (6); 9.10.4.1. <i>Mezzanines</i> enclosing more than 10% above the horizontal plane are considered as <i>storey[s]</i> in <i>building height</i> . | <i>Mezzanines</i> may enclose up to 20% above the horizontal plane and not be considered a <i>storey</i> in <i>building height</i> if the <i>building</i> is fully <i>sprinklered</i> . |
| 9 | Building Height 3.2.2.21 to 3.2.2.84. <i>Noncombustible construction</i> required for <i>buildings</i> over 4 <i>storeys</i> in <i>building height</i> . | <i>Buildings</i> may be of <i>combustible construction</i> up to 5 <i>storeys</i> provided: (a) the <i>building</i> is fully <i>sprinklered</i> , (b) the <i>building</i> contains Group C, D, E, F2 or F3 occupancies, and (c) floor assemblies not required to exceed 1 h <i>fire separation</i> requirements may be of <i>heavy timber</i> construction. |

| No. | Code Requirement | Alternate Compliance Method |
|-----|---|---|
| 10 | Spatial Separation 3.2.3.; 9.10.14. The maximum area of <i>unprotected openings</i> . | The area of <i>unprotected opening</i> is not limited provided: <ol style="list-style-type: none"> (a) the exterior walls have a interior thermo barrier of 12.7 mm, thick gypsum board of lath, and plaster in good condition [<i>sic</i>], (b) the <i>limiting distance</i> is a minimum 1 m, (c) the entire <i>building</i> has a supervised sprinkler system in conformance with Sentence 3.2.4.9.(2), and (d) the sprinkler system is connected to the fire department in conformance with Sentence 3.2.4.7.(4). |
| 11 | Construction of Exposing Building Face 3.2.3.7.; 9.10.14.11. The <i>exposing building face</i> is required to have a <i>fire resistance rating</i> and/or be of <i>noncombustible construction</i> . | <i>Exposing building face</i> is not required to have a <i>fire resistance rating</i> if the <i>building</i> is fully <i>sprinklered</i> . Also, the <i>exposing building face</i> if [is] not required to be of <i>noncombustible construction</i> if it is protected by an exterior sprinkler system conforming to NFPA 13 and has a thermo barrier as specified in No. 10(a) of these compliance tables. |
| 12 | Roof Covering Rating 3.1.15.2. Class A, B or C roof covering in conformance with CAN/ULC-S107 required. | For existing roofs not covered by a Class A, B or C roofing a manually operated deluge system in accordance with NFPA 13 is permitted. |
| 13 | Interconnected Floor Space 3.2.8.; 9.10.1.3.(6) Openings that are not protected by shafts or <i>closures</i> shall be protected in conformance with section 3.2. or sentence 9.10.1.3.(6). | 1. An open stair in <i>buildings</i> of maximum 3 <i>storeys</i> in <i>building height</i> need not comply with Subsection 3.2.8. provided: <ol style="list-style-type: none"> (a) it is not a required <i>exit</i> stair, (b) the <i>building</i> contains a Group C or D <i>occupancy</i>, (c) the <i>building</i> is fully <i>sprinklered</i> with fast response sprinklers, (d) corridors opening into the <i>interconnected floor space</i> are separated from the <i>interconnected floor space</i> by a <i>fire separation</i> with the rating required for the corridor, and (e) <i>smoke detectors</i> are installed in the rooms opening into the <i>interconnected floor space</i>. |
| 14 | Separation of Suites 3.3.1.1.; 9.10.9.13., 9.10.9.14. <i>Suites</i> are required to be separated from adjoining <i>suites</i> by 3/4 h or 1 h rated <i>fire separations</i> . | Existing ½ h <i>fire separations</i> are acceptable in fully <i>sprinklered buildings</i> not exceeding 5 <i>storeys</i> in <i>building height</i> . |
| 15 | Corridor Fire Separation 3.3.1.4.; 9.10.9.15. <i>Public corridors</i> are required to be separated from the remainder of the <i>building</i> by a <i>fire separation</i> having a <i>fire resistance rating</i> of at least 3/4 h. | Existing corridors with ½ h <i>fire resistance ratings</i> , are acceptable in <i>residential occupancies</i> provided the <i>building</i> : <ol style="list-style-type: none"> (a) does not exceed 5 <i>storeys</i> in <i>building height</i>, and (b) is fully <i>sprinklered</i> with fast response sprinklers. |
| 16 | Corridor Width 3.3.1.9. and 3.4.3.1.; 9.9.3.3. <i>Public corridors</i> and <i>exit corridors</i> are permitted to have a minimum width of 1100 mm. | <i>Public corridors</i> and <i>exit corridors</i> are permitted with a minimum width of 800 mm provided: <ol style="list-style-type: none"> (a) the <i>occupant load</i> of the <i>building</i> is maximum 20 people, and (b) the <i>building</i> does not exceed 3 <i>storeys</i> in <i>building height</i>. |

| No. | Code Requirement | Alternate Compliance Method |
|-----|--|---|
| 17 | Door Swing 3.3.1.10. and 3.4.6.11.; 9.9.6.5. Doors required to swing in the direction of <i>exit</i> travel. | 2nd egress door from a room is not required to swing in the direction of <i>exit</i> travel provided: <ol style="list-style-type: none"> (a) the <i>building</i> is fully <i>sprinklered</i> and the system is supervised in conformance with Sentence 3.2.4.9.(2), and (b) the <i>occupant load</i> of the <i>building</i> is maximum 100 people. |
| 18 | Stairs, Ramps, Handrails and guards 3.3.1.13., 3.3.1.15., 3.3.1.17., 3.4.6.4 to 3.4.6.6.(8); 9.8. | Existing conditions that do not comply fully with the requirements are permitted if they do not create a hazardous condition and are acceptable to the <i>authority having jurisdiction</i> . |
| 19 | Transparent Doors and Panels 3.3.1.18.; 9.6.6.2. Glass in doors and sidelights are required to be protected by <i>guards</i> and to be safety glass. | Existing glass or transparent panels that do not comply fully with the requirements are permitted if sufficiently discernible or <i>guards</i> are provided in hazardous situations. |
| 20 | Dead-end Corridors 3.3.1.9.(7); 9.9.7.2. Dead-end corridors are permitted to a maximum length of 6 m. | <ol style="list-style-type: none"> 1. Dead-end corridors are permitted to a maximum length of 10 m in Group C occupancies provided: <ol style="list-style-type: none"> (a) the <i>building</i> is fully <i>sprinklered</i> with fast response sprinklers, and (b) <i>smoke detectors</i> are installed in the corridor system. 2. Dead-end corridors are permitted to a maximum of 15 m in length in Group D, E, F2 and F3 occupancies provided: <ol style="list-style-type: none"> (a) the <i>building</i> is fully <i>sprinklered</i> with fast response sprinklers, and (b) <i>smoke detectors</i> are installed in the corridor system. |
| 21 | Exits 3.4.2.1.; 9.9.8.2. <i>Floor areas</i> shall be served by not fewer than 2 <i>exits</i> except as permitted by 3.4.2.1.(2). | <i>Floor areas</i> may be served by a single <i>exit</i> within the limits of 3.4.2.1.(2) provided: <ol style="list-style-type: none"> (a) the <i>building</i> does not exceed 3 <i>storeys</i> in <i>building height</i>, (b) the <i>building</i> is fully <i>sprinklered</i> with fast response sprinklers, and (c) the <i>building</i> contains an approved fire alarm system with <i>smoke detectors</i> located in accordance with sentence 3.2.4.11. |
| 22 | Reduction of Exit Width 3.4.3.6.(3); 9.9.6.2 Swinging doors in their swing shall not reduce the effective width of exit stairs and landings to less than 750 mm. | Existing swinging doors in their swing are permitted to reduce the effective width of <i>exit</i> stairs and landings to a minimum of 550 mm provided: <ol style="list-style-type: none"> (a) they serve Group C or D occupancies, (b) the <i>building</i> does not exceed 5 <i>storeys</i> in <i>building height</i>, and (c) the <i>building</i> is fully <i>sprinklered</i>. |
| 23 | Fire Separation of Exits 3.4.4.1.; 9.9.4. <i>Exits</i> are required to be separated from the remainder of the <i>floor area</i> by a <i>fire separation</i> having a fire-resistance rating of not less than 3/4 h. | <ol style="list-style-type: none"> 1. Existing <i>fire separations</i> of 1/2 h, are acceptable provided the <i>building</i> is fully <i>sprinklered</i> with fast response sprinklers and does not exceed 3 <i>storeys</i> in <i>building height</i>. 2. <i>Buildings</i> not exceeding 5 <i>storeys</i> in <i>building height</i> may have <i>exits</i> that are separated by a 3/4 h <i>fire separation</i> provided the <i>building</i> is fully <i>sprinklered</i>. |
| 24 | Exits Through Lobbies 3.4.4.2.; 9.9.8.5. Rooms adjacent to the lobby are required to be separated by a <i>fire separation</i> . | Rooms adjacent to the lobby are not required to be separated by a <i>fire separation</i> provided; <ol style="list-style-type: none"> (a) the <i>floor area</i> is <i>sprinklered</i> with fast response sprinklers, and (b) <i>smoke detectors</i> are installed in the adjacent rooms. |

| No. | Code Requirement | Alternate Compliance Method |
|-----|--|---|
| 25 | Rooms Opening into an Exit 3.4.4.4.(7); 9.9.5.9. <i>Service rooms</i> and ancillary rooms are not permitted to open directly into an exit. | <i>Service rooms</i> and ancillary rooms may open directly into an <i>exit</i> provided: <ul style="list-style-type: none"> (a) the <i>building</i> is fully <i>sprinklered</i>, (b) the room is <i>sprinklered</i> with fast response sprinklers, (c) the door assembly has a <i>fire protection rating</i> of at least 20 min., (d) the <i>building</i> does not exceed 3 <i>storeys</i> in <i>building height</i>, and (e) weatherstripping is installed on the door to prevent the passage of smoke. |
| 26 | Illumination of Exit Signs 3.4.5.1.(2); 9.9.10.5. Exit signs are required to be illuminated continuously while the <i>building</i> is occupied. | In provincial or municipal designated heritage <i>buildings</i> where exit signage may compromise historic appearances, or authenticity of displays, exit signs may be installed to light only on an emergency condition, such as by the fire alarm system or due to power failure. |
| 27 | Clearance from Exit Doors 3.4.6.10.(1); 9.9.6.6. Stair risers shall not be closer than 300 mm from an <i>exit</i> door. | Except as permitted in Sentences 3.4.6.10.(2) or 9.9.6.6.(2), existing <i>exit</i> doors shall not extend beyond the first riser. |
| 28 | Fire Escapes 3.4.7.; 9.9.2.3. Fire escapes are required to conform to Article 3.4.7. | Existing fire escapes that do not completely conform to Article 3.4.7.1. are acceptable provided: <ul style="list-style-type: none"> (a) they are acceptable to the <i>authority having jurisdiction</i> and (b) the <i>building</i> is fully <i>sprinklered</i>. |
| 29 | Fire Escape Construction 3.4.7.2.; 9.9.2.3. | Existing <i>combustible</i> fire escapes are permitted if the <i>building</i> is permitted to be of <i>combustible construction</i> by Part 3, Part 9 or by these Compliance Tables. |
| 30 | Protection of Fire Escapes 3.4.7.4.; 9.9.2.3. Openings in the exterior wall adjacent to the fire escape are required to be protected by <i>closures</i> . | Existing openings in the exterior wall adjacent to the fire escape are not required to be protected by <i>closures</i> provided: <ul style="list-style-type: none"> (a) the <i>building</i> is fully <i>sprinklered</i>, and (b) a sprinkler head is located within 1.5 m of the opening required to be protected by Article 3.4.7.4. |
| 31 | Vertical Service Space 3.6.3.1. <i>Vertical service spaces</i> are required to be separated from the adjacent <i>floor area</i> by a rated <i>fire separation</i> | Existing <i>vertical service spaces</i> that do not completely conform to the rated <i>fire separation</i> requirements are acceptable provided the <i>building</i> is fully <i>sprinklered</i> . |
| 32 | Height and Area of Rooms 3.7.1.; 9.5. The height and area of rooms are required to comply to minimum dimension requirements. | Existing rooms are not required to comply to the minimum dimension requirements of Subsection 3.6.1. or Section 9.5. |
| 33 | Window Areas 3.7.2.1.; 9.7.1.2. Windows in <i>dwelling units</i> are required to comply to minimum dimensions. | Existing windows are not required to comply with the minimum dimensions of Article 3.6.2.1. or Article 9.7.1.2. |
| 34 | Washroom Requirements 3.7.4.; 9.31 <i>Buildings</i> are required to be provided with a minimum number of washroom fixtures. | Existing facilities are not required to completely comply to the requirements of Subsection 3.6.4. or Section 9.31 provided it is acceptable to the <i>authority having jurisdiction</i> . |

| No. | Code Requirement | Alternate Compliance Method |
|-----|---|--|
| 35 | Area of Refuge 3.8.3.18 <i>Area of refuge</i> is required at every required exit in conformance with Article 3.8.3.18. | <i>Area of refuge</i> is not required for <i>building</i> areas that are <i>sprinklered</i> with fast response sprinklers. |
| 36 | Mechanical Systems Part 6 and Part 7 | Existing mechanical systems in <i>buildings</i> are not required to fully comply to the requirements of Parts 6 or 7 provided: <ol style="list-style-type: none"> (a) it is not an <i>unsafe condition</i> and (b) it is acceptable to the <i>authority having jurisdiction</i>. |

N.S. Reg. 210/2003 and N.S. Reg. 211/2003

Made: December 4, 2003

Filed: December 9, 2003

Bennery Lake Watershed Protected Water Area Designation and Regulations

Order dated December 4, 2003

Designation and Regulations made by the Minister of Environment and Labour pursuant to Section 106 of the *Environment Act*

Canada Province of Nova Scotia

In the Matter of: the *Environment Act*, S.N.S. 1994-95, c.1, s.106

In the Matter of: the designation of an area surrounding Bennery Lake, Halifax Regional Municipality, as a Protected Water Area, to be known as the “Bennery Lake Watershed Protected Water Area”

Designation of the Bennery Lake Watershed Protected Water Area and the Making of Regulations with Respect Thereto

Whereas Section 106 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, provides for the designation by the Minister of Environment and Labour of a protected water area and the making of regulations under subsection (6) to prohibit, regulate or require the doing of any act or acts in a protected water area that may impair or prevent the impairment, as the case may be, of the quality of the water in the Protected Water Area;

Whereas the operator of the Bennery Lake Water Treatment Plant, the Halifax Regional Municipality, has requested that the Minister of Environment and Labour designate a portion of the Bennery Lake Watershed as a Protected Water Area in order to protect the quality of the surface water and groundwater resource as a water supply;

And whereas Halifax Regional Municipality has provided opportunities for public consultation, including public meetings and the establishment of the Bennery Lake Watershed Management Committee, an advisory committee comprising representatives of the Province of Nova Scotia, the Halifax Regional Municipality, the Halifax Watershed Advisory Board, members of the general public and landowners;

Therefore pursuant to Section 106 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, the undersigned, Kerry Morash, Minister of Environment and Labour hereby

- (a) designates an area surrounding Bennery Lake more fully described in Schedule “A” as a protected water area, to be known as the “Bennery Lake Watershed Protected Water Area”; and

- (b) makes regulations respecting activity in the Bennery Lake Watershed Protected Water Area, in the form set forth in Schedule "B".

Sgd: *K. Morash*
Honourable Kerry Morash
Minister of Environment and Labour

Halifax, Nova Scotia
December 4, 2003

N.S. Reg. 210/2003
Bennery Lake Watershed Protected Water Area Designation

Schedule "A"

Bennery Lake Watershed Protected Water Area
Boundary Description

All that certain parcel of land situated at Grand Lake, Halifax County, Nova Scotia and being **Parcel BL** shown on a plan titled "Compiled Plan of BENNERY LAKE WATERSHED" prepared by Robert Wentzell, N.S.L.S., dated January 26, 1999 and being on file at the office of the Director of Public Works and Transportation, Design Services, Halifax Regional Municipality as plan File No. 98031601 and being more particularly described as follows:

Commencing at Nova Scotia Co-ordinate Monument No.11751;

thence N 08° 18' 13" E, 767.038 metres to a point on the northwest boundary of Old Guysborough Road being the point of beginning;

thence N 37° 49' 10" W, 1455.218 metres to a point;

thence N 00° 00' 00" W, 2172.155 metres to a point;

thence N 52° 15' 00" W, 200.000 metres to a point;

thence S 74° 02' 10" W, 677.310 metres to a point;

thence S 49° 30' 10" W, 1235.887 metres to a point;

thence S 23° 22' 31" W, 1535.406 metres to a point;

thence S 60° 05' 26" E, 950.148 metres to a point;

thence S 29° 37' 41" W, 118.457 metres to a point;

thence S 77° 09' 02" E, 1149.643 metres to a point;

thence S 21° 41' 45" E, 831.015 metres to a point;

thence S 37° 51' 58" E, 463.052 metres to a point;

thence N 41° 18' 25" E along the northwest boundary of the Old Guysborough Road, 990.579 metres to a deflection therein:

thence N 33° 32' 30" E along the northwest boundary of the Old Guysborough Road, 216.116 metres to the point of beginning.

Parcel BL contains 659.8 hectares.

ALL bearings are based on Zone 5, Central Meridian [Meridian] 64°30' West, of the Nova Scotia 3° Modified Transverse Mercator Projection of ATS77 Geodetic Datum.

N.S. Reg. 211/2003**Bennery Lake Watershed Protected Water Area Regulations****Schedule "B"****Regulations Respecting Activities in the Bennery Lake Watershed Protected Water Area
made by the Minister of Environment and Labour pursuant to subsection 106(6)
of Chapter 1 of the Acts of 1994-95, the *Environment Act*****Citation**

1 These regulations may be cited as the *Bennery Lake Watershed Protected Water Area Regulations*.

Interpretation

2 In these regulations,

- (a) "Act" means the *Environment Act*;
- (b) "biocide" means a substance capable of killing living organisms that is not registered as a pest control product and includes a toxic chemical;
- (c) "Committee" means the Bennery Lake Watershed Management Committee;
- (d) "Department" means the Department of Environment and Labour;
- (e) "developer" means a person who develops or proposes to develop land and includes any agent or contractor who works for the developer;
- (f) "development" means any disturbance of land for purposes of constructing roadways, residential dwellings, commercial establishments, recreation areas and parkland;
- (g) "forestry operation" means any activity related to the use of a forest for producing timber, wood fiber or Christmas trees, including but not limited to the following activities:
 - (i) forest management planning,
 - (ii) silviculture,
 - (iii) harvesting,
 - (iv) protection,
 - (v) road construction, and
 - (vi) operation, storage and use of equipment and supplies used in any aspect of the activity;
- (h) "grab sample" means a sample collected at a time and a place which represents only the composition of the source at that particular time and place;
- (i) "Minister" means the Minister of Environment and Labour;
- (j) "pesticide" or "pest control product" has the same meaning as set out in clause 2(q) of the *Pesticide Regulations* made under the Act;
- (k) "Protected Water Area" means the land and water designated by the Minister pursuant to subsection 106(1) of the Act as the Bennery Lake Watershed Protected Water Area, as described in Schedule "A" to the designation;
- (l) "release" means to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place, drain, pump or exhaust;
- (m) "sulphide bearing material" has the same meaning as set out in clause 2(o) of the *Sulphide Bearing Material Disposal Regulations* made under the Act;
- (n) "vegetation" means any living plant or tree growth;

- (o) “Water Works Operator” means the Halifax Regional Municipality, operator of the Bennery Lake Water Treatment Plant;
- (p) “wetland” has the same meaning as set out in clause 2(y) of the *Environmental Assessment Regulations* made under the Act.

Restricted activities

- 3 (1) No person is permitted to swim, bathe, wash, or cut ice at any time in Bennery Lake or any other watercourse within the Protected Water Area.
- (2) No person is permitted to fish from the shoreline of or in Bennery Lake or any watercourse within the Protected Water Area.
- (3) No person is permitted to wash a vehicle in any watercourse or within 60 m of the shoreline or bank of any watercourse within the Protected Water Area.
- (4) No person is permitted to, at any time, operate a vessel of any kind, on, through or over Bennery Lake or any watercourse in the Protected Water Area, unless authorized by the Water Works Operator for the protection of the Protected Water Area.
- (5) No person is permitted to fill a gasoline tank or transfer any liquid fuel from tank to tank on or within 100 m of the shoreline or bank of Bennery Lake or any watercourse within the Protected Water Area, except for the purpose of operating the Bennery Lake Water Treatment Plant or a purpose reasonably incidental to the maintenance of private property.

Posting of signs

- 4 (1) The Water Works Operator must post signs around the perimeter of the Protected Water Area to provide notice to the general public of the designation of the Protected Water Area.
- (2) The Water Works Operator must replace any signs posted under subsection (1) that have been damaged or removed.
- (3) The Water Works Operator must take reasonable measures to advertise and provide notice to the general public of these regulations.
- (4) No person is permitted to remove or alter any sign, notice or advertisement posted pursuant to this Section.

Fire restrictions

- 5 (1) No person is permitted to set, start, maintain or be responsible for an open fire in the Protected Water Area except for an open fire in a barbecue or fireplace designed for cooking purposes at a residential dwelling.
- (2) Despite subsection (1), during the period from April 15 to October 15 of each year, a person may set, start, maintain or be responsible for a fire in the Protected Water Area if
- (a) the person has a valid permit to burn issued pursuant to the *Forest Fire Protection Regulations* made under the *Forests Act*;
 - (b) the person complies with the permit to burn and the *Forest Fire Protection Regulations*; and
 - (c) the person complies with all the requirements of Halifax Regional Municipality By-law Number O-103, the Open Air Burning By-law.

Forestry operations

- 6 (1) No person is permitted to undertake a forestry operation within the Protected Water Area unless the operation is conducted pursuant to a forest management plan that

- (a) is prepared by a professional forester in accordance with the objectives and policies approved by the Committee;
 - (b) does not permit any forestry operation within 100 m of Bennery Lake or within 30 m of any watercourse within the Protected Water Area;
 - (c) has as its primary objective the protection of the watershed and any watercourse therein, particularly with respect to impacts related to disruption of acid slate or sulphide bearing materials; and
 - (d) is approved in advance by the Water Works Operator.
- (2) A forestry operation within the Protected Water Area must be conducted in accordance with the *Wildlife Habitat and Watercourses Protection Regulations* made under the *Forests Act* and the “Forest/Wildlife Guidelines and Standards for Nova Scotia” issued by the Department of Natural Resources, or its successor document or code of practice, as amended from time to time.

Road construction and maintenance restrictions

- 7 (1) No person is permitted to undertake any road construction within the Protected Water Area unless
- (a) written approval has been obtained in advance from the Water Works Operator; and
 - (b) the road construction is undertaken between June 1 and September 30, inclusive, in any year.
- (2) A person who is responsible for a road constructed under subsection (1) must maintain and repair the road.
- (3) No person is permitted to expose at any one time more than 1900 square metres of roadway subbase in the Protected Water Area.
- (4) No person is permitted to expose at any one time more than 1000 square metres of roadway subbase in the Protected Water Area if sulphide bearing or acid slate materials are present in the subbase.
- (5) No person is permitted to apply road salt on any roads or driveways within the Protected Water Area.

Water course or wetland alteration

- 8 (1) No person is permitted to construct a bridge or culvert or otherwise alter a watercourse or wetland within the Protected Water Area without first obtaining
- (a) written approval from the Water Works Operator; and
 - (b) an approval from the Department.
- (2) An owner, operator or person responsible for a bridge or culvert approved under subsection (1)
- (a) must maintain and repair the bridge or culvert; and
 - (b) is not permitted to remove the bridge or culvert without first obtaining an approval from the Department.

Roads and stream crossings

- 9 The construction of a forest access or wood lot road, stream crossing, culvert or other watercourse alteration within the Protected Water Area must be in accordance with the *Wildlife Habitat and Watercourses Protection Regulations* made under the *Forests Act* and the publication “Wood Lot Roads, Stream Crossings” issued by the Department of Natural Resources, or its successor document or code of practice, as amended from time to time.

Pest control products

- 10 No person is permitted to use a pest control product or biocide within the Protected Water Area unless the use is related to the operation of the Bennery Lake Water Treatment Plant and carried out under the

supervision of the Bennery Lake Water Treatment Plant Supervisor.

On-site sewage disposal systems

- 11 (1) No person is permitted to install an on-site sewage disposal system within the Protected Water Area without first obtaining an approval from the Department.
- (2) No person is permitted to construct or install or cause the construction or installation of an on-site sewage disposal system contrary to the *On-site Sewage Disposal Systems Regulations*, made under the Act, and the terms and conditions of an approval issued by the Department.

Prohibition on release of substance

- 12 (1) No person is permitted to release or cause or permit the release of oil, petroleum products, soap, detergent, toxic chemicals, pest control product waste, garbage, litter, solid or liquid waste, sulphide bearing or acidic slate materials, or any other material that causes or may cause an adverse effect within the Protected Water Area.
- (2) A person who is using mechanical equipment or transporting gasoline or oil within the Protected Water Area is not permitted to release, and must take precautions to prevent the release of, a petroleum product onto the ground or into a watercourse or the runoff from the area.

Prohibition on landfills

- 13 No person is permitted to establish a dump, landfill, waste disposal site or disposal site for sulphide bearing or acidic slate materials within the Protected Water Area.

Easement restriction

- 14 No person is permitted to construct a road, pipeline, railway, telephone line, power line or other similar development or grant an easement on, over or across the Protected Water Area, without first obtaining the written approval of the Water Works Operator.

Stormwater management

- 15 No developer is permitted to commence any development unless the development is conducted according to a Stormwater Control Plan that is
- (a) prepared by a professional engineer; and
 - (b) approved in advance by the Water Works Operator in consultation with the Department.

Erosion and sediment control

- 16 (1) No person is permitted to authorize or commence an operation to extract peat, gravel, rock or minerals within the Protected Water Area.
- (2) No person is permitted to undertake an activity that causes or might cause soil erosion resulting in sedimentation of a watercourse located within the Protected Water Area.
- (3) No owner, occupier, contractor or person responsible for a construction operation or an activity within the Protected Water Area requiring grubbing or earth moving that would expose more than 200 m² of subbase at any time is permitted to proceed unless they have
- (a) developed an erosion and sedimentation control plan as described in the "Erosion and Sedimentation Control Handbook for Construction Sites", published by the Department; and
 - (b) obtained the prior written approval of the Water Works Operator.
- (4) No person is permitted to release water that has a suspended solid concentration greater than 25 mg/L in a grab sample from any area within the Protected Water Area.
- (5) All landscaping within the Protected Water Area shall be carried out between May 1 and October 31 inclusive, in any year.

- 17 If sedimentation occurs in a watercourse within the Protected Water Area, an operator or person responsible for the sedimentation must undertake immediate action to install erosion and sediment control measures, and immediately notify the Water Works Operator.

Vegetation removal restrictions

- 18 (1) No person is permitted to alter or remove vegetation within 100 m of Bennery Lake or within 30 m of any watercourse or wetland within the Protected Water Area unless such alteration or removal is
- (a) approved in advance by the Water Works Operator; or
 - (b) related to the operation of the Bennery Lake Water Treatment System and following consultation with the Committee.
- (2) No person is permitted to alter or remove vegetation within 15 m of any watercourse or wetland located on lands zoned AE-4 (Aerotech Business) under the Halifax Regional Municipality Land Use By-law for Shubenacadie Lakes (Planning Districts 14 and 17), within the Protected Water Area, unless approved by the Water Works Operator.
- (3) No person is permitted to remove vegetation from an area greater than 50% of each residential lot at any time prior to and following development of and construction on any residential lot.

Watercourse setbacks and buffers

- 19 (1) No person is permitted to erect a structure, excavate, fill or alter the grade of land within 100 m of Bennery Lake or within 30 m of any watercourse or wetland located on lands zoned P-4 under the Halifax Regional Municipality Land Use By-law for Shubenacadie Lakes (Planning Districts 14 and 17), within the Protected Water Area, unless such activity is
- (a) related to the operation of the Bennery Lake Water Treatment Plant; and
 - (b) approved in advance by the Water Works Operator.
- (2) No person is permitted to erect a structure, excavate, fill or alter the grade of land within 15 m of any watercourse or wetland located on lands zoned AE-4 (Aerotech Business) under the Halifax Regional Municipality Land Use By-law for Shubenacadie Lakes (Planning Districts 14 and 17), within the Protected Water Area, unless such activity is approved in advance by the Water Works Operator.

Consultation with the Committee

- 20 The Water Works Operator shall consult with the Committee before granting any authorization or approval required by these regulations.

N.S. Reg. 212/2003

Made: December 18, 1979

Filed: December 11, 2003

Hospitals Act Designations

Order in Council 79-1636 dated December 18, 1979
Designation made by the Minister of Health
pursuant to clause 3(1)(a) of the *Hospitals Act*

The Governor in Council on the report and recommendation of the Minister of Health dated the 12th day of December, 1979, and pursuant to clause (a) of subsection (1) of Section 3 of Chapter 249 of the Revised Statutes, 1967, the *Hospitals Act*, as amended, is pleased to approve the hospitals named as of the dates specified in the Schedule attached to and forming part of the said report and recommendation.

**Schedule
to the Report and Recommendation of the Minister of Health
dated the 12th day of December, 1979**

| <u>Hospital</u> | <u>Location</u> | <u>Date</u> |
|---|-----------------|-------------------|
| Dartmouth General Hospital | Dartmouth | January 14, 1977 |
| Camp Hill Hospital | Halifax | May 29, 1978 |
| Kentville Hospital Association | Kentville | December 21, 1975 |
| Nova Scotia Rehabilitation Centre | Halifax | December 1, 1978 |
| Abbie J. Lane Memorial Hospital | Halifax | April 1, 1979 |
| Cape Breton Hospital | Sydney | April 1, 1979 |
| Nova Scotia Hospital | Dartmouth | April 1, 1979 |
| Units West 3 and 4 of the Kings Regional Health and Rehabilitation Centre | Waterville | April 1, 1979 |
| Izaak Walton Killam Hospital for Children | Halifax | May 29, 1970 |
| Inverness Consolidated Memorial Hospital | Inverness | May 18, 1976 |

N.S. Reg. 213/2003

Made: October 4, 2001

Filed: December 11, 2003

Hospitals Act Designations - District Health Authorities

Order in Council 2001-474 dated October 4, 2001
Designation made by the Minister of Health
pursuant to Section 4 of the *Hospitals Act*

The Governor in Council on the report and recommendation of the Minister of Health dated September 12, 2001, and pursuant to Section 4 of Chapter 208 of the Revised Statutes of Nova Scotia, 1989, the *Hospitals Act*, is pleased to approve District Health Authorities 1 through 8 and the Capital District Health Authority as hospitals pursuant to the *Hospitals Act*, effective on and after January 1, 2001.

N.S. Reg. 214/2003

Made: December 3, 2003

Filed: December 22, 2003

Nova Scotia Egg Producers' Egg Levy Order No. 32

Order dated December 3, 2003
made by the Nova Scotia Egg Producers Commodity Board
pursuant to clause 6(1)(j) of the *Natural Products Act*

**Nova Scotia Egg Producers Levy Order
Number Thirty-two
December 28, 2003**

Whereas pursuant to an Order in Council P.C. 3655-178 of the 7th day of December, 1978, the Minister of Agriculture for Canada executed an Agreement with the Ministers of Agriculture for each of the Provinces,

ratified by the Egg Producers Marketing Board for each of the Provinces provided for cooperation in developing an integrated system of levies to be imposed by the Commodity Boards of the various Provinces and by the Canadian Egg Marketing Agency upon persons engaged in the marketing of eggs in intraprovincial and interprovincial and export trade;

And whereas the levy to be imposed by the Commodity Board on behalf of the Agency as of December 28, 2003 is \$0.250 per dozen eggs and the levy to be imposed by the Nova Scotia Egg Producers for administration and for the Provincial Industrial Product Removal Program is \$0.040 per dozen eggs, for a total of \$0.29 per dozen eggs;

The Nova Scotia Egg Producers hereby approves and adopts the following Order:

- 1 This Order may be cited as the Nova Scotia Egg Producers Levy Order.
- 2 In this Order,
 - (a) "Agency" means the Canadian Egg Marketing Agency;
 - (b) "Commodity Board" means the Nova Scotia Egg Producers;
 - (c) "egg" means egg of a hen;
 - (d) "grading station operator" means any person who washes, grades, packs, offers for sale, sells, stores, transports or markets eggs and includes a Commodity Board, when applicable, and includes a producer-vendor;
 - (e) "hen" means a hen of any class of the domestic chicken belonging to the species *Gallus domesticus*;
 - (f) "Plan" means the Nova Scotia Egg and Pullet Producers Marketing Plan, and amendments thereto;
 - (g) "producer" means any person engaged in the production of eggs in the Province and includes a producer-vendor;
 - (h) "producer-vendor" means a producer who is a grading station operator in respect of all or any portion of eggs produced by that producer.
- 3 (1) A levy is imposed on every producer of \$0.29 per dozen of eggs marketed by the producer minus the number of dozens of eggs, if any, marketed by the producer in interprovincial and export trade.
 - (2) The levy imposed by subsection (1) shall, where the eggs are sold or otherwise disposed of
 - (a) to a person who is not a grading station operator, be paid by the producer directly to the Commodity Board; or
 - (b) to a grading station operator, be paid to the grading station operator to whom they are delivered, by the grading station operator deducting the amount of the levy from the monies payable by the grading station operator to the producer for the eggs and the grading station operator shall in turn pay the levies so collected to the Commodity Board.
- 4 As with previous levies, it is hereby confirmed that the total levy imposed on the producer with respect to eggs marketed by that producer in interprovincial and export trade shall, through the Levy Order set up and amended from time to time by the Agency, be identical to the total levy imposed hereunder for intraprovincial trade.
- 5 This Order shall come into force as of December 28, 2003.

- 6 Nova Scotia Egg Producers Levy Order Thirty-One is repealed effective upon the coming into force of this Levy Order.

By the Order of the Board, December 3, 2003.

Sgd: *Patti Wylie*
Patricia Wylie – Manager

Certificate

I hereby certify that the within and foregoing is a true and correct copy of an Order made by the Nova Scotia Egg Producers on December 3, 2003.

Sgd: *Patti Wylie*
Patricia Wylie – Manager